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Vol. I

TRANSCRIPT OF RECORD

(Pages 1 to 420)

Supreme Court of the United States

OCTOBER TERM, 1944

No. 57

THE ASSOCIATED PRESS, PAUL BELLAMY, GEORGE FRANCIS BOOTH, ET AL., APPELLANTS,

vs.

THE UNITED STATES OF AMERICA

No. 58

TRIBUNE COMPANY AND ROBERT RUTHERFORD McCORMICK, APPELLANTS,

vs.

THE UNITED STATES OF AMERICA

No. 59

THE UNITED STATES OF AMERICA, APPELLANT,

vs.

THE ASSOCIATED PRESS, PAUL BELLAMY, GEORGE FRANCIS BOOTH, ET AL.

APPEALS FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

FILED APRIL 13, 1944.

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INDEX.

	Original	Print
Record from D.C.U.S. Southern District of New York	1	1
Complaint	8	1
Exhibit "A"—Certificate of Incorporation of The Associated Press, filed May 23, 1900	63	37
Exhibit "B"—Statement of Amendments to Certificate of Incorporation of The Associated Press	65	39
Exhibit "C"—Original By-Laws of The Associated Press, adopted September 19, 1900	67	41

JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., JULY 12, 1944.

—2891

Record from D.C.U.S. Southern District of New York—Continued
Complaint—Continued
Exhibits—Continued

	Original	Print
Exhibit "D"—Statement of Changes in the By-Laws of The Associated Press made between September 19, 1900, and April 20, 1942	82	59
Exhibit "E"—The By-Laws of The Associated Press as amended April 20, 1942	87	65
Exhibit "F"—Regular Members of The Associated Press in Continental United States as of March 1, 1942, with newspapers represented in membership and individuals designated as AP representatives of members	104	87
Answer of The Associated Press, et al	133	115
Answer of Tribune Company and Robert Rutherford McCormick	154	131
Expediting certificate	186	156
Order designating three judges to hear case	188	157
Plaintiff's request for admissions	190	158
Exhibit 1—A statement of the assets and liabilities of The Associated Press as of December 31, 1941	258	
Exhibit 2—A statement of the revenue and expenses of The Associated Press for the year ended December 31, 1941	260	210
Exhibit 3—A copy of pages numbered 3, 4, 5 and 6 of a document published by The Associated Press in January 1940, entitled "The Associated Press Directory"	261	210
Exhibit 4—A copy of a communication of Robert McLean, president of The Associated Press, to the members of The Associated Press and of a private circular, dated July 7, 1941, of L. F. Curtis, treasurer of The Associated Press to members of The Associated Press, enclosed with said letter	266	214
Exhibit 5—A statement of the names of all directors of The Associated Press since 1900 and the year or years of service of each director	271	218
Exhibit 6—Excerpts from report made by a committee of three appointed by the president of The Associated Press pursuant to a motion adopted by the Executive Committee of The Associated Press on May 26, 1926, to consider and report on the question of the bonds of The Associated Press	273	219
Exhibit 7—Excerpts from report of a committee of six appointed by the president of The Associated Press pursuant to a resolution adopted at the annual meeting of members in 1927, to consider and make a report on the question of a redistribution of bonds of The Associated Press and on the question of an adjustment of protest rights of members of The Associated Press	275	221

Record from D.C.U.S. Southern District of New York—Continued
Plaintiff's request for admissions—Continued
Exhibits—Continued. Original Print

Exhibit 8—Copy of a "Note to Editors" issued and sent to its members by The Associated Press on or about January 24, 1941 276 222
Exhibit 9—Copy of an advertising brochure made and issued to certain members of the public by Press Association, Inc., prior to March 1942 278 223
Exhibit 10—By-Laws of The Associated Press (of Illinois) in effect immediately prior to September 30, 1900 292 234
Exhibit 11—Report to stockholders of The Associated Press (of Illinois) by the Board of Directors of The Associated Press (of Illinois) on or about May 16, 1900 313 251
Exhibit 12—Resolution adopted by the stockholders of of The Associated Press (of Illinois) at their meeting held in Chicago, Illinois, September 12-13, 1900 317 253
Exhibit 13—Statement of Frank B. Noyes, President of The Associated Press, a New York corporation, on or about September 14, 1900, issued and sent to the members of The Associated Press (of Illinois) 318 254
Exhibit 14—Statement of Charles W. Knapp, president of The Associated Press (of Illinois) on or about September 20, 1900, issued and sent to members of The Associated Press (of Illinois) and the members of The Associated Press, a New York corporation 319 254
Exhibit 15—Notice sent on or about September 20, 1900 by Frank B. Noyes, president of The Associated Press, a New York corporation, to the members of The Associated Press (of Illinois) and the members of The Associated Press, a New York corporation 321 255
Exhibit 16—Statement dated September 21, 1900, issued and sent to the members of The Associated Press (of Illinois) by Charles W. Knapp, president of The Associated Press (of Illinois) 322 256
Exhibit 17—Report dated September 21, 1900, made to the members of The Associated Press (of Illinois) by a committee of members of The Associated Press (of Illinois) appointed September 12, 1900 324 257
Exhibit 18—Communication dated September 18, 1900, sent to The Associated Press, incorporated under the laws of the State of New York, by a committee of the Board of Directors of The Associated Press (of Illinois) 332 263
Exhibit 19—Communication dated September 20, 1900, sent to Charles W. Knapp, Charles W. Grasty and Victor F. Lawson, constituting a committee of the Board of Directors of The Associated Press (of Illinois), by a committee of the Directors of The

Record from D.C.U.S. Southern District of New York—Continued
Plaintiff's request for admissions—Continued
Exhibits—Continued

	Original	Print
Associated Press, a New York corporation, composed of Stephen O'Meara, William L. McLean, and Frank B. Noyes	335	265
Exhibit 20—Communication dated September 20, 1900, sent to Charles W. Knapp, Charles W. Grasty, and Victor F. Lawson, constituting a committee of the Board of Directors of The Associated Press (of Illinois), by a committee of the Directors of The Associated Press, a New York corporation, composed of Stephen O'Meara, William L. McLean, and Frank B. Noyes	336	265
Exhibit 21—Resolution adopted by the Board of Directors of The Associated Press, a New York corporation, on or about September 29, 1900	337	266
Exhibit 22—Resolution adopted by the Board of Directors of The Associated Press, a New York corporation, on or about September 29, 1900	338	266
Exhibit 23—Statements made by the president of The Associated Press at annual meeting of AP members in 1922	339	266
Exhibit 24—Report of the Special Committee on Revisions of the By-Laws, presented to the annual meeting of the members of The Associated Press held in April 1942	342	268
Exhibit 25—Statement supplied by a duly authorized representative of The Associated Press to the Department of Justice on or about August 3, 1942	362	283
Exhibit 26—Statement supplied by a duly authorized representative of The Associated Press to the Department of Justice on or about August 10, 1942	364	284
Exhibit 27—Letter dated September 24, 1941, written by Marshall Field to the President of The Associated Press	366	285
Exhibit 28—Letter dated September 25, 1941, written by the general manager of The Associated Press to Silliman Evans	368	286
Exhibit 29—Letter dated September 26, 1941, written by Silliman Evans to Kent Cooper, general manager of The Associated Press	369	287
Exhibit 30—Formal application by Marshall Field for membership in The Associated Press, enclosed with the letter from Silliman Evans to Kent Cooper dated September 26, 1941	370	287
Exhibit 31—Letter dated October 2, 1941, written by Lloyd Stratton, assistant secretary of The Associated Press, to Silliman Evans	372	289
Exhibit 32—Letter dated October 24, 1941, written by Marshall Field to Kent Cooper	373	289

	Original	Print
Record from D.C.U.S. Southern District of New York—Continued		
Plaintiff's request for admissions—Continued		
Exhibits—Continued		
Exhibit 33—Letter from Louis S. Weiss, attorney for Marshall Field, to Silliman Evans, dated October 23, 1941, enclosed with the letter from Marshall Field to Kent Cooper dated October 24, 1941	376	292
Exhibit 34—Letter dated December 8, 1941, written by Marshall Field to the president of The Associated Press	380	295
Exhibit 35—Letter dated January 28, 1942, written by Robert McLean, the president of The Associated Press to Silliman Evans	381	295
Exhibit 36—Letter dated March 7, 1942, written by Marshall Field to Lloyd Stratton, the assistant general manager of The Associated Press	383	296
Exhibit 37—Copy of a form of letter from Marshall Field dated March 5, 1942, to members of The Associated Press, enclosed with the letter of Marshall Field to Lloyd Stratton dated March 7, 1942	384	297
Exhibit 38—Letter dated November 3, 1941, written by Eleanor Patterson to The Associated Press	386	298
Exhibit 39—Letter dated April 8, 1942, written by Eleanor Patterson to the president of The Associated Press	388	299
Exhibit 40—Agreement dated July 25, 1941, between The Associated Press, the New York Times Company, a New York corporation, and Wide World Photos, Inc., a New York corporation	390	300
Exhibit 41—List of customers served by Wide World Photos, Inc., in the month of July, 1941	397	305
Exhibit 42—Letter dated December 10, 1941, written by the president of The Associated Press to Marshall Field	400	307
Exhibit 43—Letter dated December 10, 1941, written by Paul Miller, a director and duly authorized agent of Wide World Photos, Inc., to David M. Liberson, picture editor of the Jewish Daily Forward	401	308
Responses of The Associated Press, et al., to request for admissions	404	308
Plaintiff's second request for admissions	451	347
Exhibit 1-A—Statement of Revenue and Expense, Month of December, 1938, of The Associated Press	463	357
Exhibit 1-B—Statement of Revenue and Expense, Month of December, 1940, of The Associated Press	464	358
Exhibit 1-C—Statement of Revenue and Expense, Month of December, 1942, of The Associated Press	465	359
Exhibit 2-A—Letter dated April 8, 1941, by Kent Cooper to members of The Associated Press	466	360
Exhibit 2-B—"The AP News Service"—Excerpt from folder sent by The Associated Press to its members on or about April 8, 1941	469	361

Record from D.C.U.S. Southern District of New York—Continued
Plaintiff's second request for admissions—Continued
Exhibits—Continued Original Print
Exhibit 2-C—Excerpts from circular issued by The Associated Press 472 362
Exhibit 3-A—Map—"Wirephoto Network Operations" 474 364
Exhibit 3-B—Map—"News Travels Fast and Far over this Associated Press Network" 475 364
Exhibit 4-A—List of newspapers whose applications for membership were denied (1901-1910) 476 365
Exhibit 4-B—List of newspapers whose applications for membership were denied (1911-1920) 477 365
Exhibit 4-C—List of newspapers whose applications for membership were denied (1921-1932) 479 367
Exhibit 5-A—Agreement made October 9, 1902 between Reuter's Telegram Company, Limited, The Continental Telegraphen Compagnie, The Agence Havas of Paris, and The Associated Press 481 369
Exhibit 5-B—Treaty made August 26, 1927 at Geneva between Reuters Limited, The Associated Press of America, The Havas Agency of France, The Continental Telegraphen Compagnie of Germany 487 373
Exhibit 5-C—Letter dated August 26, 1927, from Roderick Jones to Kent Cooper 498 380
Exhibit 5-D—Four Party Treaty made February 13, 1932 between The Associated Press of America, Reuters, Limited, Havas Agency, and Continental-Telegraphen-Compagnie Wolff's Telegraphisches Buro Aktiengesellschaft 500 381
Exhibit 6-A—Contract made February 8, 1934, between The Associated Press and The United Press Associations 509 387
Exhibit 6-B—Letter dated October 5, 1936 from Kent Cooper to Mr. Hugh Baillie, United Press Association 516 392
Exhibit 6-C—Letter dated October 6, 1936 from Hugh Baillie, President United Press Associations, to Mr. Kent Cooper 517 393
Responses of The Associated Press, et al., to additional request for admissions 528 393
Exhibit "A"—Advertising folder entitled "Meeting the Challenge of Today with a Complete News Report" (sent by AP to its members on or about April 8, 1941). 536 400
Exhibit "B"—Advertising circular headed "AP-WW No. 1", issued by AP in 1942 540 406
Exhibit "C"—Advertising circular headed "Wide World Features", issued by AP in 1942 542 408
Exhibit "D"—Advertising circular headed "Profile of the AP Feature Service" sent by AP to evening paper members in 1941 543 409

Record from D.C.U.S. Southern District of New York—Continued
Responses of The Associated Press, et al., to additional request for admissions—Continued
Exhibits—Continued

	Original	Print
Exhibit "E"—Advertising circular headed "Wirephoto Promotion Story" sent by AP to new wirephoto subscribers in 1940	550	415
Exhibit "F"—Advertising circular headed "Finest Pictures First—the story of AP Telemats"—issued by AP in 1942	555	420

[fols. 1-8]

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 19-163

UNITED STATES OF AMERICA, Plaintiff,

v.

THE ASSOCIATED PRESS, PAUL BELLAMY, GEORGE FRANCIS BOOTH, John Cowles, William Hutchinson Cowles, Edward King Gaylord, Houston Harte, Josh L. Horne, Clark Howell, Jr., Joseph Russell Knowland, George Baker Longan, Robert Rutherford McCormick, Robert McLean, Leonard Kimball Nicholson, Frank Brett Noyes, Paul Patterson, Stuart Hoffman Perry, E. Lansing Ray, Edward Hubert Butler; and The Adrian Telegram, The A. S. Abell Company, Bulletin Company, The Cleveland Company, The Constitution Publishing Company, [fol. 9] Cowles Publishing Company, The Evening Star Newspaper Company, The Kansas City Star Company, The Oklahoma Publishing Co., The Register and Tribune Company, Rocky Mount Publishing Co., Globe Democrat Publishing Co., San Angelo Standard, Inc., The Times-Picayune Publishing Company, Tribune Company, The Tribune Publishing Co., Worcester Telegram Publishing Co., Inc., Individually and as Representing a Class Consisting of All the Members of The Associated Press, Defendants

COMPLAINT—Filed August 28, 1942

To the Honorable the Judges of the District Court of the United States for the Southern District of New York:

The United States of America, plaintiff, by its attorneys, acting under the direction of the Attorney General of the United States, brings this action against the defendants and complains as follows:

Jurisdiction and Venue

1. This complaint is filed and this action is instituted against the defendants under Section 4 of the Act of Congress of July 2, 1890, c. 647, 26 Stat. 209, as amended, en-

titled "An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies", commonly known as the "Sherman Antitrust Act", and under Section 15 of the Act of Congress of October 15, 1914, c. 323, 38 Stat. [fol. 10] 730, as amended, commonly known as the "Clayton Act"; in order to prevent and restrain continuing violations of said defendants, as hereinafter alleged, of Sections 1 and 2 of the Sherman Antitrust Act and Section 7 of the Clayton Act.

2. Defendant The Associated Press (hereinafter sometimes referred to as AP) is incorporated under the laws of the State of New York and is an inhabitant of the Southern District of New York. It transacts business within the Southern District of New York and at various places throughout the world and has its principal place of business at No. 50 Rockefeller Plaza, New York, New York, in the Southern District of New York. It is engaged in the commercial business of collecting and distributing news, information and intelligence in interstate and foreign commerce.

3. The acts and conduct of the defendants and their co-participants hereinafter referred to constitute a combination and conspiracy in restraint of trade and commerce in news, information and intelligence among the several States, the monopolizing of a part of such trade and commerce, an attempt to monopolize a part of such trade and commerce, and a combination and conspiracy to monopolize the same.

The Defendants

4. Defendant The Associated Press is a cooperative association of newspaper owners, incorporated in the year 1900 under the membership Corporations Law of the State of New York.

[fol. 11] 5. Defendant Paul Bellamy is a resident of Cleveland, Ohio, and is, and has been since April 1934, a member of the board of directors of The Associated Press.

6. Defendant George Francis Booth is a resident of Worcester, Massachusetts, and is now, and has been since April 1941, a member of the board of directors of The Associated Press.

7. Defendant John Cowles is a resident of Minneapolis, Minnesota, and is now, and has been since April 1934, a member of the board of directors of The Associated Press.

8. Defendant William Hutchinson Cowles is a resident of Spokane, Washington, and is now, and has been since April 1911, a member of the board of directors of The Associated Press.

9. Defendant Edward King Gaylord is a resident of Oklahoma City, Oklahoma, and is now, and has been since April 1940, a member of the board of directors of The Associated Press.

10. Defendant Houston Harte is a resident of San Angelo, Texas. He is First Vice-President of The Associated Press and is now, and has been since April 1937, a member of its board of directors.

11. Defendant Josh L. Horne is a resident of Rocky Mount, North Carolina, and is now, and has been since April 1937, a member of the board of directors of The Associated Press.

12. Defendant Clark Howell, Jr. is a resident of Atlanta, Georgia, and is now, and has been since April 1937, a member of the board of directors of The Associated Press.

[fol. 12] 13. Defendant Joseph Russell Knowland is a resident of Oakland, California, and is now, and has been since April 1937 a member of the board of directors of The Associated Press.

14. Defendant George Baker Longan is a resident of Kansas City, Missouri, and is now, and has been since April 1933, a member of the board of directors of The Associated Press.

15. Defendant Robert Rutherford McCormick is a resident of Chicago, Illinois, and is now, and has been since April 1937, a member of the board of directors of The Associated Press.

16. Defendant Robert McLean is a resident of Philadelphia, Pennsylvania. He is President of The Associated Press and is now, and has been since April 1924, a member of its board of directors.

17. Defendant Leonard Kimball Nicholson is a resident of New Orleans, Louisiana, and is now, and has been since April 1933, a member of the board of directors of The Associated Press.

18. Defendant Frank Brett Noyes is a resident of the District of Columbia, and is now, and has been since 1900, a member of the board of directors of The Associated Press.

19. Defendant Paul Patterson is a resident of Baltimore, Maryland, and is now, and has been since April 1932, a member of the board of directors of The Associated Press.

20. Defendant Stuart Hoffman Perry is a resident of Adrian, Michigan, and is now, and has been since April 1933, a member of the board of directors of The Associated Press.

[fol. 13] 21. Defendant E. Lansing Ray is a resident of St. Louis, Missouri, and is now, and has been since April 1922, a member of the board of directors of The Associated Press.

22. Defendant Edward Hubert Butler is a resident of Buffalo, New York, and is now, and has been since April 1940, a member of the board of directors of The Associated Press. He is, and has been for many years, a member of The Associated Press and is engaged in publishing at Buffalo, New York, a daily newspaper entitled the "Buffalo Evening News," and in gathering and disseminating news in interstate commerce.

23. Defendant The Adrian Telegram is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at Orian, Michigan, a daily newspaper entitled the "Adrian Telegram", and in gathering and disseminating news in interstate commerce.

24. Defendant The A. S. Abell Company is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at Baltimore, Maryland, a daily newspaper entitled "The Sun", and in gathering and disseminating news in interstate commerce.

25. Defendant Bulletin Company is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at Philadelphia, Pennsylvania, a daily newspaper entitled "The Evening Bulletin", and in gathering and disseminating news in interstate commerce.

[fol. 14] 26. Defendant The Cleveland Company is a corporation which is now, and has been for many years a member of The Associated Press. It is engaged in publishing at Cleveland, Ohio, a daily newspaper entitled "Cleveland Plain Dealer," and in gathering and disseminating news in interstate commerce.

27. Defendant The Constitution Publishing Company is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at Atlanta, Georgia, a daily newspaper entitled "The Constitution," and in gathering and disseminating news in interstate commerce.

28. Defendant Cowles Publishing Company is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at Spokane, Washington, a daily newspaper entitled "The Spokesman-Review," and in gathering and disseminating news in interstate commerce.

29. Defendant The Evening Star Newspaper Company is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at Washington, D. C., a daily newspaper entitled "The Evening Star," and in gathering and disseminating news in interstate commerce.

30. Defendant The Kansas City Star Company is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at Kansas City, Missouri, a daily newspaper entitled "The Kansas City Star," and in gathering and disseminating news in interstate commerce.

[fol. 15] 31. Defendant The Oklahoma Publishing Co. is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at Oklahoma City, Oklahoma, a daily newspaper

entitled "The Daily Oklahoma," and in gathering and disseminating news in interstate commerce.

32. Defendant The Register and Tribune Company is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at Des Moines, Iowa, a daily newspaper entitled "The Des Moines Register," and in gathering and disseminating news in interstate commerce.

33. Defendant Rocky Mount Publishing Co. is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at Rocky Mount, North Carolina, a daily newspaper entitled "Rocky Mount Telegram," and in gathering and disseminating news in interstate commerce.

34. Defendant Globe Democrat Publishing Co. is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at St. Louis, Missouri, a daily newspaper entitled "St. Louis Globe-Democrat," and in gathering and disseminating news in interstate commerce.

35. Defendant San Angelo Standard, Inc., is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at [fol. 16] San Angelo, Texas, a daily newspaper entitled "San Angelo Evening Standard," and in gathering and disseminating news in interstate commerce.

36. Defendant The Times-Picayune Publishing Company is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at New Orleans, Louisiana, a daily newspaper entitled "The Times-Picayune," and in gathering and disseminating news in interstate commerce.

37. Defendant Tribune Company is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at Chicago, Illinois, a daily newspaper entitled "Chicago Daily Tribune," and in gathering and disseminating news in interstate commerce.

38. Defendant The Tribune Publishing Co. is a corporation which is now, and has been for many years, a mem-

ber of The Associated Press. It is engaged in publishing at Oakland, California, a daily newspaper entitled "Oakland Tribune," and in gathering and disseminating news in interstate commerce.

39. Defendant Worcester Telegram Publishing Co., Inc., is a corporation which is now, and has been for many years, a member of The Associated Press. It is engaged in publishing at Worcester, Massachusetts, a daily newspaper entitled "Worcester Telegram," and in gathering and disseminating news in interstate commerce.

40. The present members of The Associated Press other than those members specifically named parties defendant [fol. 17] are hereby sued as a class. They constitute a class of persons having identical interests in the subject matter of this action and are so numerous as to make it impracticable to bring them all before the court. In so far as the character of the right sought to be enforced against them by this action is several, the questions of law and fact affecting their several rights are common, and common relief is sought against them. The joinder of The Associated Press and of the members of The Associated Press hereinbefore specifically named as parties defendant will fairly insure the adequate representation of all other members of The Associated Press.

41. Various persons not made defendants herein participated with the defendants in the offenses hereinafter charged, and performed acts and made statements in furtherance of the effectuation thereof. These co-participants include all of the persons who have been members of The Associated Press and the individuals who from time to time acted as the representatives of such members in meetings and other activities of The Associated Press.

The Importance of Newspapers

42. Newspapers supply a necessity and their business vitally affects the national interest. Public opinion largely motivates and determines both public policies and private actions in a democracy like the United States. Such opinion tends to be unified, and wisely and effectively exerted in the national interest, in proportion to the extent that it is based upon current, accurate and complete infor- [fol. 18] mation of those events and conditions throughout

the world which are materially related to the concerns of this nation and its people. The extent of such information has increased with the growth in number, range and complexity of public issues and with their increasing interdependence upon conditions and happenings throughout the United States and other parts of the world. Recent events culminating in the present world-wide conflict have greatly accentuated the need for this type of information. Newspapers are the chief media for its dissemination. Many private actions of the people of the United States are likewise determined by newspaper reports of day-to-day events. Many business transactions are conducted in reliance upon such reports. The widest possible dissemination among the American people of fresh, accurate, and world-wide news of current events and conditions, through the instrumentality of newspapers, is therefore of vital importance to the national welfare.

43. The national policy in favor of freedom of the press requires that newspapers engaged in disseminating news be unhampered and unrestrained in selecting the particular news they choose to publish, in emphasizing it, and in expressing any accompanying viewpoint or opinion. A corollary of such national policy is that newspapers be unhampered by any artificial or unnecessary restraints, public or private, upon their choice of, and free competitive access to, the various sources of news, including agencies engaged in assembling and transmitting daily news reports of world events. It is a further corollary of such national policy that the public interest is promoted by the establishment, [fol. 19] and continued availability to the public, of as many responsible newspapers, representing differing and varied points of view, as can successfully participate in the business of disseminating news and related comment.

The Importance of News-Agencies

44. No daily newspaper can exist in this country today without access to the service of a news-agency. By news-agency is meant an organization engaged in gathering and transmitting the news of the world to multiple newspapers which jointly contribute to the expense of this undertaking, whether by way of assessments of proportionate shares of the total expense or by way of a flat charge for the service. No single newspaper, however large and powerful, could

independently and by means of its own staff gather and transmit currently the outstanding news events of the entire world. Not only would the cost of such undertaking be prohibitive and the end product—the news received—be inferior, but any such attempt, if generally undertaken, would result in wholly needless and wasteful duplications of wire and cable facilities and of trained personnel.

45. News-agencies, which are thus creatures of necessity born of the fundamental economics of the newspaper business, have operated in this country for more than a century. At least for the last fifty years, their absolute indispensability to the life of any newspaper has been universally recognized. Access to the service of a news-agency is therefore essential to the survival of any newspaper.

[fol. 20] 46. There are in this country today only three news-agencies. Furthermore, there are material differences in the character and extent of the services furnished by these three agencies. It is of primary concern to the individual newspaper, and may be determinative of its success or failure, that it have access to the service of the particular agency best adapted, or believed by it to be best adapted, to supply its own special news requirements. Denial of such access directly restrains interstate commerce in news to and from such newspaper and the agency to which it is denied access and likewise constitutes a burden and restraint upon the newspaper's own interstate circulation.

47. The business of gathering news on a world-wide basis and its transmission to the country's newspapers can be performed efficiently and economically by only a few such news-agencies, which necessarily tend to become large and powerful organizations with the ability to dictate and determine the character of news available to newspapers. The economic nature of the business of news-agencies is such that there is no present likelihood that any other organization comparable to any of the said three existing news-agencies will undertake to serve American newspapers with news gathered on a comprehensive basis.

48. The business of news-agencies in collecting news and distributing the same to newspapers is affected with a national public interest. This is true for the reasons hereinbefore alleged with respect to the public importance of

newspapers and for the additional reason that the service rendered by news-agencies is indispensable to the success [fol. 21] of any individual newspaper. Furthermore, the national importance of the product of The Associated Press in particular; its purpose to continue a business which has been recognized as affected with a public interest; the number and character of the newspapers which it expressly holds itself out to serve; the requirement of large size and financial resources for its effective operation; its dominant bargaining position in comparison to any individual newspaper in need of its service; the extent of its coverage; the collective power of the group of newspapers which compose it; its tendency and growth toward achieving monopolistic power, enhanced by its exclusive contracts with its members and by the fact that others, in order to render the same service, would have to engage in wasteful duplication of its facilities and its freedom from rivalry with many competitors, as hereinafter set forth, are factors which justify the requirement that The Associated Press serve newspapers needing or desiring its service without undue discrimination, and free from restraints imposed by it as hereinafter charged in the interests of its individual members. These factors, among others, render the particular restraints of trade and other activities charged herein undue and unreasonable.

The Associated Press

49. Defendant The Associated Press has at present approximately 1274 members, being individuals, corporations, partnerships, limited liability corporations, joint stock and other associations, owning newspapers published through- [fol. 22] out the various States and dependencies of the United States and in certain other parts of the world. These members have combined in and with The Associated Press for the cooperative collection, interchange and distribution of news, information and intelligence for publication in newspapers. The members publishing newspapers in the United States are severally engaged in the commercial business of collecting and distributing, in interstate commerce, news, information and intelligence for profit. The Associated Press acts as an instrumentality for the constant exchange between its said members, in the channels of interstate and foreign communication, of news, informa-

tion and intelligence supplied to it by its respective members, and it also acts as a supplier to its members of news, information and intelligence gathered by its own activities.

50. The original Certificate of Incorporation of The Associated Press filed May 23, 1900; a statement of the subsequent amendments to the Certificate of Incorporation; the original by-laws of The Associated Press adopted September 19, 1900; a statement of all significant changes made in the by-laws between September 19, 1900, and April 20, 1942; and the by-laws now in effect, as last amended April 20, 1942, are attached hereto and made a part hereof, marked Exhibits A, B, C, D, and E, respectively.

51. In addition to its principal place of business located in The Associated Press Building, No. 50 Rockefeller Plaza, New York City, which it claims to be "known popularly [fol. 23] as 'the news center of the world'," The Associated Press maintain offices in more than 250 cities of the world and 94 news bureaus in the United States alone, usually one in each State and two or more in some. Of these bureaus in the United States, seven have staffs of 50 or more full-time employees; five have staffs of 30 to 49; 26 have staffs from 10 to 29; and 56 have staffs of 9 or under. A total of approximately 100,000 persons contribute, directly or indirectly, to the carrying on of its business. Its own staff of 7,200 employees (1940 being full-time), including 2,500 correspondents located in foreign countries, is augmented by the staffs of all of its member newspapers and by the staffs of affiliated news-agencies in foreign countries. Its reporting staff at Washington, D. C., comprises approximately 150 reporters. Over 65,000 workers are employed to cover the AP news of national elections. For its financial news service alone, The Associated Press employs 200 writers, editors and statisticians. It leases a transatlantic cable and leases and operates a network of telegraph wires in this country connecting at least 727 domestic cities. Every twenty-four hours it distributes basic news reports of at least 1,000,000 words and also supplementary reports and services. Its news report supplied each day in Chicago to morning newspaper members consists of 273,000 words, to evening papers 246,000 words. In Washington its news reports consist of 276,000 words for both morning and evening members. In the year 1941,

The Associated Press expended approximately $12,000,000 (about $8,450,000 in the United States alone) for the actual gathering and distributing of world news.

[fol. 24] 52. The Associated Press has entered into contracts with the leading foreign news-agencies such as Reuters Limited, The Press Association Limited, and the Telegraph Agency of the Union of Soviet Socialist Republics (Tass), whereby it has become entitled to receive the news gathered by these agencies, and under similar contracts it has become entitled exclusively to receive all the news gathered by its subsidiaries, Press Association, Inc., La Prensa Asociada and The Associated Press of Great Britain Ltd.

53. The income of The Associated Press consists almost entirely of weekly assessments levied upon its members according to a formula of assessment and payable in advance. This formula, while adjusted by the Board of Directors of The Associated Press to the type and amount of service received by each member, is based fundamentally upon the plan of distributing the total cost of AP's operation among its members in proportion to the population of the community served by each member. The amount of assessments is the same for each newspaper published in the same community and "field" (morning or evening), regardless of their respective circulations.

54. The principal sources of the domestic news which The Associated Press gathers and distributes are (1) its 1200-odd members, each of which collects, by its individual reporting staff, and transmits to The Associated Press the news of its locality, and (2) its offices and news bureaus, with their reporting staffs, maintained throughout the United States. The principal sources of its foreign news are (1) its bureaus and reporting staffs located normally [fol. 25] in practically all countries and in all principal foreign cities, whose "contact with news sources everywhere interlaces the world," and (2) independent foreign news-agencies which supply The Associated Press with news under contract. This news is sent from these various sources, principally by telephone, telegraph or cable, to new assembly points established by The Associated Press at its main office in New York City and at division offices located in AP territorial divisions of the United States,

known as the eastern, southern, central and western divisions. At each of these assembly points The Associated Press breaks down the news received, and classifies, edits and allots it for transmission to the other AP distributing offices and to its members. The Associated Press distributes such news from these assembly points to its members primarily over telegraph wires leased from the various telegraph companies and operated by The Associated Press as such lessee, although all instrumentalities of communication—wireless, telephone, mail and messenger—are sometimes utilized. Trunk telegraph wires carry the news from the various assembly points to the principal cities of the United States and serve directly the AP members located in those cities. Regional and state wire circuits are leased to relay the news distributed to the AP members located in the smaller cities and outlying districts. The primary wire circuits are continually available to The Associated Press throughout twenty-four hours a day to carry the important news report without interruption and parallel circuits are also leased to carry respectively supplementary [fol. 26] data—news pictures, financial news, sport news, news features, and the like.

55. While the news collected by The Associated Press generally appears in all newspapers published in foreign countries, in the United States, under restrictions imposed by the AP by-laws, only members of The Associated Press can obtain its news reports. It has itself recently published the following statement:

> Through facilities which it has created, the news of America collected by The Associated Press appears in virtually every newspaper in the world outside of the United States. In the United States its domestic and world news appears in a select and exclusive group of newspapers which are members of the association.

56. Complete control over the affairs of The Associated Press is vested in a Board of Directors. The by-laws broadly vest in the Board "the control and management of all the affairs" of The Associated Press. They also specifically confer upon the Board the following powers:

(a) To select and fix the compensation of, and to remove or discharge, all officers, agents and employees of The Associated Press;

(b) To change from time to time the "nature and extent of the news service to any member," except that the Board shall not "omit" the news service to any member other than for "cause" as provided in the by-laws;

(c) To apportion all expenses among members "in such manner as it [the Board] may deem equitable"; to levy upon the members assessments for such expenses and as-[fol. 27] sessments for the accumulation of "a surplus fund for emergency purposes"; to change from time to time such apportionment and assessment—all such action by the Board being "final and conclusive," not subject to question by appeal to a meeting of members or otherwise;

(d) To permit withdrawal from membership (a member being liable, if such permission is refused, to pay assessments for two years after his notice of withdrawal);

(e) To impose upon any member found by the Board to have violated any provision of the by-laws a fine not exceeding $1,000, or suspension from the privileges of membership (involving discontinuance of news service) or presentation of the violator to a meeting of members for expulsion—all such action by the Board being "final and conclusive", not subject to appeal or review;

(f) To "provide for all matters in respect to which no provision is made" by the by-laws.

57. The Board of Directors, exercising such plenary power, has, in practice, proved to be self-perpetuating. The directors have, almost without exception, continued in office until death, sale of their newspaper interest, or other necessary reason for relinquishing the office. Apart from these circumstances, the Directors, at the end of each three-year term during the whole life of The Associated Press have been renominated and reelected; out of more than 200 cases in which a retiring director has been renominated, in only five cases has he failed of reelection (and in one such case he was elected the following year).

[fol. 28] 58. The average term of service of the Directors reelected in 1942 (apart from those representing cities of less than 50,000) is 14 years and the average service is 18 years, if a father-son successorship in office is regarded as continuous. On the latter basis, there have been two continuous directorships since 1900 and one since 1901. Nor was the situation different in the early years of the organi-

zation. The Directors elected or serving in 1902 served average terms of 15½ years and, counting a father-son successorship as continuous, of 17 years.

59. Bonds of The Associated Press were originally issued to members who had been stockholders of a predecessor corporation of the same name organized in 1892 under the laws of the State of Illinois in the same proportion in which they had held stock in that corporation, such stockholders being "the more important papers" of the organization though "some smaller papers in key positions" had been "allowed" stock. As a result of dissatisfaction expressed by members—as one put it, The Associated Press "is only mutual in name,"—in 1928 a proposal was made and carried out to permit each member to subscribe for $50 of bonds for each $25 of his weekly assessment, and, regardless of the amount of the weekly assessment, a minimum subscription of $100 and a maximum of $1,000 was allowed. Notwithstanding this change, the larger newspaper proprietors, those holding not less than $1,000 of bonds, own at present a majority of the outstanding bonds, and 42% of the present members do not hold any bonds at all.

[fol. 29] 60. The vote of the bondholders of The Associated Press, rather than the membership vote, has always completely controlled the selection of Directors. The bonds issued by The Associated Press give one vote for the election of Directors for each $25 of bonds (provided interest has been waived), except that no one member can cast more than 40 votes on account of his bond holdings. The ratio of bondholder vote to membership vote was more than 4 to 1 for the years 1900 to 1923, inclusive; more than 3 to 1 for the years 1924 to 1927, inclusive; and more than 6 to 1 since 1927. At present it is approximately 8 to 1.

A Description and Comparison of Existing News-Agencies

61. The three existing American news-agencies are The Associated Press, United Press Associations (hereinafter referred to as UP), and International News Service (hereinafter referred to as INS). The organization and general operations of The Associated Press have already been set forth in paragraphs 49 to 60, inclusive. Those of UP and INS are set forth in the four following paragraphs.

62. UP is a New York corporation, organized for profit, formed in 1907 by uniting three comparatively small news-

agencies which had been operating for some years prior thereto under an agreement for division of territory and exchange of news. At this time, when AP was spending approximately $2,500,000 for news gathering, UP's entire staff consisted of 12 persons, including the office force. Twenty years after its organization, approximately 90% [fol. 30] of UP's clients were afternoon papers and today a very high percentage of its newspaper subscribers are afternoon papers. At the present time every exclusively morning paper which UP serves and which has a daily average circulation of over 25,000 is, with one exception, a member of The Associated Press and receives its news service. The one exception is The Chicago Sun, to which reference will later be made.

63. In 1941 UP's total expenditures devoted to the actual gathering of news and its distribution to newspapers amounted to $5,929,638. It employed a total of 1,326 full-time employees distributed among its principal office in New York City and 94 domestic and foreign bureaus. Of its 60 bureaus located in the United States, only 9 had staffs of over 9 such employees. Of these 9 bureaus, only 2 had staffs of over 29 employees—62 located in Washington, D. C. and 30 at Chicago, Illinois. A total of 438 full-time employees engaged in reporting and editing news composed the staffs of its 34 foreign bureaus. UP furnishes its news service to approximately 900 newspapers in the United States and to numerous radio stations and other concerns. It furnishes no news picture service. Its news report supplied each day in Chicago to morning newspapers subscribing for its service consists of 264,400 words, to evening papers of 126,000 words. In Washington its news report supplied to morning papers consists of 115,200 words and to evening papers of 93,600 words. Approximately 600 newspapers in the United States are obligated to supply UP with the local news of their respective territories but [fol. 31] all of them are free to furnish the same news to other news-agencies.

64. INS was originally furnished by International News Service, Inc., a New Jersey corporation organized in 1909 to supply a news service to newspapers owned or controlled by William Randolph Hearst. In 1934 this corporation was merged with King Features Syndicate, Inc., a New York corporation, and since that time the latter has furnished

INS, operating the news service as a separate department of its own business. The expenditures of INS for news gathering and the number of papers served by it are now, and generally speaking always have been, less than one-half those of The Associated Press. * * * Of the approximately 300 newspapers published in the United States having a daily average circulation of over 25,000, there is not a single one served by INS which does not also receive AP or UP news service, or both. Furthermore, of the 17 American newspapers under the same ownership or control as INS, all but two receive AP news reports and those two receive UP reports.

65. In 1941 the total expenditures of INS devoted to the actual gathering of news and its distribution to newspapers amounted to $2,371,379. It employed a total of 382 full-time employees distributed among its principal office in [fol. 32] New York City and 31 bureaus. Of its 31 bureaus located in the United States, only 3 had staffs of over 9 employees—29 located at Washington, D. C., 24 at Chicago, Illinois, and 10 at San Francisco, California. INS furnishes its service to approximately 325 newspapers in the United States. In certain of its contracts INS agrees with subscribers not to furnish its service to their competitors, and, under the provisions of certain other of its contracts, its subscribers are entitled to receive large money payments from competitors when granted INS service. Its news report supplied each day in Chicago, Illinois, and Washington, D. C. to morning newspapers subscribing for its service consists of 32,400 words and to evening papers 62,000 words. Approximately 77 newspapers in the United States are obligated to supply INS with the local news of their respective territories but all of them are free to furnish the same news to other news-agencies.

66. Of the news services supplied by these three, that of The Associated Press ranks in the forefront in public reputation and esteem. One reason for this is that The Associated Press exceeds its competitors in expenditures for collecting and transmitting news, in the length of news reports it furnishes, in physical facilities, in size of staff, in number and geographical distribution of news bureaus, in number and geographical distribution of newspapers supplying it with news of their localities and in the unique

requirement hereinafter set forth that these newspapers must serve The Associated Press exclusively. A second reason is that the character of the organization of The Associated Press—a membership corporation composed of [fol. 33] persons representing every shade of economic, political, and religious opinion and every section of the country—is an invaluable guarantee that the promise and claim made by each news-agency—that it presents the news without any political or sectional bias—will in fact be fulfilled. A third reason is the good will resulting from the fact that in the mind of the general public the name "Associated Press" has long been regarded as synonymous with the highest standards of accurate, nonpartisan, and comprehensive news-reporting.

67. To the extent that many newspaper readers prefer or demand AP news, a newspaper which is denied such news is deprived of freedom in determining the character of its publication and freedom in determining those elements of the newspaper-reading public to which it will particularly address its appeal. To obtain the widest reader appeal and to insure adequate coverage on all news, many newspapers find it desirable to utilize the services furnished by both The Associated Press and UP, and are consequently handicapped if denied either. Restraints imposed by denial of AP membership and service are peculiarly burdensome because in that event the newspaper must rely on the services of UP alone or as supplemented by INS. Furthermore, it is forced to accept whatever terms are demanded by these agencies.

68. The goodwill attaching to the name "Associated Press" is due, in part, to the fact that there has been long and continuous operation under this name. Not only [fol. 34] has the defendant The Associated Press rendered service under this name since its incorporation in 1900, but at all times since 1848 the phrase "Associated Press" has formed part of the title of one or more active news-agencies (and defendants' immediate predecessors used this phrase continuously since 1865). Within the past year The Associated Press has publicly represented, through a wholly-owned subsidiary, that AP's "superior performance in all categories of the news" is "based on 93 years of experience and effort • • • performance which has built up a tradition of reliability and integrity."

69. For the above and other reasons, the ability of a newspaper to publish AP news is an important factor in winning and retaining reader acceptance, particularly in the case of a newspaper which has been newly launched. Conversely, a newspaper which is barred from AP news operates under a competitive disadvantage with AP members. At the present time every exclusively morning paper published in the United States having an average daily circulation of over 25,000 except The Chicago Sun (average week day circulation about 269,000 and average Sunday about 327,000) is a member of The Associated Press and receives its news report.

70. The Associated Press is bound by contract to furnish its news exclusively to its own members. No one can become a member of The Associated Press without first agreeing to observe the requirements of its by-laws. Ever since its original incorporation in 1900 the AP by-laws have [fol. 35] provided, among other things, that every regular member must promptly furnish to The Associated Press, and must not furnish to anyone not a member of The Associated Press, "all the news of such member's district" which is "spontaneous in its origin." Of the 1247 members of The Associated Press in continental United States on March 1, 1942, all but [illegible] or over 99%, were regular members, so obligated by these exclusive-dealing agreements. These regular members are located in every state of the union, ranging from one in Nevada to 75 in Pennsylvania. A roster of the regular AP members in continental United States as of March 1, 1942, so obligated to furnish The Associated Press with news, with the names and places of publication of their respective newspapers and their AP representatives, is attached hereto and made a part hereof, marked Exhibit F. All of the 1235 regular members are obligated to furnish such news from their respective cities and the territory contiguous thereto within a radius of at least 30 miles; a large number are so obligated for a wider territory, at least 74 members being obligated for their cities and contiguous territory within a radius of 60 miles.

71. The effect of these exclusive-dealings agreements is to prevent UP and INS from obtaining local news of spontaneous origin from any of AP's regular members, and this

exclusory agreement is binding even though the member may also be receiving UP or INS service, or both. The agreements not only bar UP and INS, and all newspapers not admitted to the AP group, from these important news [fol. 36] sources but create a situation where the staffs of more than 1200 domestic newspapers are constantly furnishing The Associated Press, without cost to it, news coverage all over the United States respecting unanticipated noteworthy events occurring in remote regions or small communities, such as airplane accidents, train wrecks, tornadoes, or mine disasters. The effect of these agreements is to "make each member paper reporter also a reporter for The Associated Press." To obtain news coverage as to such events, UP and INS must largely rely upon scattered part-time correspondence, called "string men." Thus, the exclusive-dealing provisions of the AP membership contract compel AP's competitors to employ more costly and less efficient and complete means for gathering domestic news events of spontaneous origin. These provisions have been and are an important factor contributing to the unsurpassed merit of AP's service as to coverage and speedy reporting of domestic news events. They supply a feature of AP service which is unique.

72. The importance which adheres to the exclusive-dealing obligations resting upon AP members by reason of their membership contracts is evidenced by the following excerpt from the annual report of its Board of Directors for the year 1916:

> Each member binds himself in assenting to the by-laws, not only to pay his assessment, but to furnish The Associated Press, *and to it exclusively*, his local news. The latter contribution is quite as valuable as the weekly sum he pays as his share of the expenses of the organization.

[fol. 37] 73. The restraints imposed upon the interstate trade in news, and the circulation, of a newspaper denied membership in The Associated Press are not confined to those flowing from denial of access to its daily news reports. The Associated Press furnishes, exclusively to its members, a wirephoto picture service. It has the only network of news photo wire transmission in the world regularly maintained and transcontinental in character, sending news pictures "to member papers with telegraphic

speed over a circuit 16,000 miles long." It owns picture transmitting devices protected by letters patent. In recent years picture news has become a major competitive factor in the newspaper business. The Board of Directors in its annual report for the year 1937 asserted that the AP picture service "maintained superiority in speed of delivery and quality of photographs on every major event during the year." AP's General Manager, in his report to the Directors for the year 1938, said that The Associated Press was the owner of the "world's greatest news photo service" and that "with twenty-four hour news photo wire equipment at hand, it is not likely that any competitor can compete in any serious way with The Associated Press News Photo Service." The Associated Press has also represented that it "supplies the fastest known dispatch of news pictures in mat form."

74. In addition to regular news reports and news pictures, The Associated Press supplies its members "with a complete feature budget, comprising news feature stories with and without illustrations, news cartoons, comic strips, and a full budget of departmental features."

[fol. 38] 75. The Associated Press claims that "it is the greatest clearing house for news in the world." During the past year it has, through a wholly-owned subsidiary, publicly represented that it surpasses "all other American news agencies combined" in each of the following respects:

(a) In number of words in its daily news report;

(b) In number of miles in this country of "leased news wires";

(c) In expenditures made for "the actual gathering and distribution of world news";

(d) In size of staff "contributing, directly or indirectly, to each day's news effort";

(e) In operating "the only state-by-state news circuits in existence";

(f) In volume of "state and regional news" furnished daily;

(g) In number of cities in this country connected with "leased news wires";

(h) In operating "the only leased news cable in the world";

(i) In being "ahead" of other news agencies "on 82 percent of *all* important news events" during the past year.

76. If the services of all news-agencies were freely open to any newspaper willing to pay the cost or charge therefor, no premium would be paid in order to obtain any particular service. Since the sole value of an AP membership consists in the right which it gives to obtain AP service, the large sums which have been paid or offered for such membership evidence the great competitive advantage con- [fol. 39] ferred by AP service, at least in the judgment of many practical newspaper proprietors, and the corresponding restraint and burden imposed by the denial of such service. Within the last 10 years the controlling interests of a newspaper having an AP membership paid more than $300,000 to acquire a second membership and suppress it. The sole purpose of this transaction was to prevent the newspaper's principal competitor from obtaining AP membership and service. Several newspapers have paid or offered to pay $250,000 or more to obtain AP membership. A Special Committee appointed by AP's president to recommend changes in the AP by-laws stated in its report, mailed to all members shortly before the 1942 annual membership meeting:

> In the early history of the Associated Press the limitation upon admission of additional members provided by the By-Laws brought about an enhancement in the values of Associated Press memberships. In metropolitan centers Associated Press memberships were often carried on the books of member newspapers at values upwards of a million dollars; and in the early '20's, transfers of such memberships were made upon considerations well into the hundreds of thousands.

The Offenses Committed by Defendants and Their Co-participants

77. Throughout the period from the formation of The Associated Press in the year 1900 to the date of the filing of this complaint defendant The Associated Press and the defendant directors and members of The Associated Press [fol. 40] on that date, and the other defendants from the times they respectively became directors or members, have been continuously engaged in a combination and conspiracy in restraint of trade and commerce among the several States, in news, information and intelligence; they have been, and are now, parties to contracts in restraint of such

trade and commerce; all in violation of Section 1 of the Act of Congress of July 2, 1890, c. 647, 26 Stat. 209, as amended, entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies" commonly known as the "Sherman Antitrust Act." They have continuously during said period monopolized a part of such trade and commerce; have continuously attempted to monopolize a part of such trade and commerce; and have been continuously engaged in a combination and conspiracy to monopolize the same, all in violation of Section 2 of the said Sherman Antitrust Act. They have violated Section 7 of the Clayton Act. Defendants threaten to continue said offenses and will do so unless the relief hereinafter prayed for in this complaint is granted.

78. By contracting to observe, and by observing, the by-laws of The Associated Press, as amended from time to time, and by performing the acts and engaging in the conduct hereinbefore and hereinafter alleged, defendants, and their co-participants have, during the 42 years of the existence of The Associated Press, continuously planned and acted together (a) to restrain the competitors of members of The Associated Press from obtaining access to [fol. 41] AP's services, (b) to restrain competitors of The Associated Press and non-members of The Associated Press from obtaining access to the local news gathered by AP members, (c) to monopolize for The Associated Press and its members the trade and commerce in the news gathered by The Associated Press through its own activities and in the local news gathered by each of its members, and (d) to foster and contribute to the formation by members of AP of monopolies of the business of disseminating news by newspapers in the various localities where they engage in business. In carrying out said offenses, defendants and their co-participants, in addition to the acts and conduct hereinbefore alleged, have performed the acts and engaged in the conduct hereinafter set forth. While the purposes and effects of their offenses have remained the same throughout the period aforesaid, certain changes have occurred in the means employed to effectuate them.

Action Taken to Carry Out the Offenses During the Years 1900 to 1928

79. The offenses had their origin in the Illinois corporation which was the predecessor of the defendant The Associated Press. Only proprietors of newspapers could be members of the Illinois corporation but its members were divided into two classes, "A" members and "B" members. The by-laws conferred upon each "A" member the right to veto the admission of any new member in the city in which such member's newspaper was published and in such additional territory contiguous thereto as might be specified in its membership contract.

[fol. 42] 80. In 1900 the Supreme Court of Illinois rendered a decision which, in the words of the Board of Directors of the Illinois corporation in a report to stockholders, held "that the business of the Associated Press has become so impressed with a public interest that it becomes our duty to admit to membership any newspaper applying, and that the rule enforced for many years * * * providing for an alliance, offensive and defensive, between member and association, *was void as in restraint of trade.*" To evade the effect of this decision, the Board of Directors arranged for the reincorporation of their exclusive association as The Associated Press under the Membership Corporations Law of the State of New York, for transfer to it of all the assets of the Illinois corporation, and for continuation by it of the existing news service without hiatus.

81. The purpose and effect of organizing the New York membership corporation was to continue, upon substantially the same basis but in different guise, the offensive and defensive alliance between member and association which the Supreme Court of Illinois had condemned as an illegal restraint of trade. The president of the Illinois corporation reported that the New York corporation had "undertaken to admit all members of the Illinois corporation with rights and privileges as nearly as practicable exactly the same as those they now enjoy."

82. By virtue of the foregoing reorganization, the veto power held by certain members of the Illinois corporation was converted into a "right of protest." The members of [fol. 43] the defendant The Associated Press at their first

meeting conferred upon all those previously enjoying veto powers "protest rights" exactly corresponding thereto. The by-laws of The Associated Press as set forth in Exhibit C provided that no applicant for membership representing a paper subject to any member's "protest right" could be elected by the Directors unless all applicable "protest rights" had first been waived. Where "protest rights" had not been waived, the only possibility of election lay in obtaining the affirmative vote of four-fifths of all the members of The Associated Press at the annual membership meeting or at a special meeting called for that purpose. The bars thus set up against giving competitors of members access to AP service represented, in the opinion of counsel for the incorporators, "the extreme limit to which an embodiment of the old veto power could be safely attempted."

83. Under the AP by-laws the Directors were free to elect any new member if no "protest right" was involved or if all applicable "protest rights" had been waived, but no standards were set up to govern the Board in acting upon membership applications.

84. The by-laws carefully provided for continuation of membership upon sale or other change in the ownership of any newspaper represented in membership. When this occurs, the purchaser or transferee becomes automatically entitled to succeed to membership, subject to giving his assent to the by-laws. In this way, any newspaper, however lacking in merit from the viewpoint of the public interest or [fol. 44] of the prestige of The Associated Press, can simply buy its way into AP membership if it can find a seller and is able and willing to pay the price. This circumstance demonstrates the total lack of connection between the restraints imposed by the defendants upon applicants for AP service and any criteria of the merits of the applicant, the public interest, or the effect the admission would have upon the business of The Associated Press.

85. Of the 603 original members of defendant The Associated Press, 278 were given "protest rights" when the corporation was organized. The "protest rights" could be invoked against applicants representing both morning and afternoon papers in all the 25 largest cities in the country except Newark, N. J. The "protest rights" had a wide territorial sweep. They usually embraced not only the city of

publication of the protest holder but territory adjacent thereto. In over 100 instances the "protest right" covered territory within a radius of 60 miles of the city of publication and in one instance a radius of 150 miles.

86. The purpose of the provisions relating to "protest rights"—to bar competitors of members from access to AP service—has been effectively achieved. Both the members of The Associated Press and its Directors have continuously manifested the disposition to exclude, and by concerted action have in fact excluded, from AP service competitors of individual members. During the years 1900-1928, inclusive, more than 100 applications for membership [fol. 45] subject to outstanding "protest rights" were submitted to the vote of the members. In only six instances was there the requisite affirmative four-fifths vote. Moreover, in each of these six instances the favorable vote was due to special circumstances. No existing AP member holding a "protest right" published a newspaper in any of the cities in which the applicants' newspapers were published, which cities were comparatively small. In each case the Directors had concluded that admission to membership would result in "no substantial injury" to the protesting member or members and had therefore, as individuals, recommended election.

Action Taken to Carry Out the Offenses During the Years 1928 to 1942

87. In 1928 the AP by-laws were changed so as to provide that, in addition to the "rights of protest" originally conferred in 1900, every member should, after membership for five years, have a "right of protest" against election of a member representing a paper published in the same city and in the same "field", i. e., morning or afternoon. The provisions of the by-laws thus extending the "right of protest" to all members of five years' standing appear in Exhibit D.

88. After the principle of excluding competitors of members had thus been made as broad as the membership itself, the hopelessness of securing admission, as against a "right of protest", became so patent a deterrent that during the 13-year period, 1929-1941 inclusive, only four applications [fol. 46] involving "protest rights" were submitted to a

vote of the members. Each of these four applicants failed of election.

89. The policy of excluding competitors of members from AP service has been followed by the Directors in passing upon applications for membership even where no "protest right" was involved. The Directors have always in such cases given careful consideration to the question whether the individual interests of any existing member would be adversely affected by election of a competitor and they have always denied election if they concluded that it would result in any "real injury" to any present member.

90. The economic self-interest of The Associated Press and of its members as a whole, as distinguished from the interests of its individual members to protect themselves against competition in their various territories, is in favor of expanding AP membership freely. The greater the number of members, the more complete the news sources on which the AP draws and the better the service it can provide. The greater the number of members, the smaller the pro rata cost to each. Nevertheless, The Associated Press has subordinated its own advantage to the advantage of its individual members. It has abdicated to other members of the combination its own corporate powers. Its practice of permitting any person to become a member of The Associated Press by simply buying up an existing membership permits no increase in the total number of members. It has restricted its growth to territories not already preempted by [Vol. 47] existing members. These policies have tended to create a static AP membership and to limit the number of newspapers in the United States.

91. The purpose and effect of the policy which the members and Directors have enforced have been to protect the AP members against competition, by denying to their competitors access to the AP news service and by denying to them access to the news gathered by any of its 1200-odd members and participation in the interchange of news carried on among AP members through it as a medium.

Recent Action Taken to Carry Out the Offenses

92. Early in the year 1942, the Government notified The Associated Press in writing that it regarded the exclusion of applicants from AP service, based upon no other stand-

ards except the competitive effect upon the business of individual AP members, to be violative of the antitrust laws. At the 1942 annual membership meeting, the members of The Associated Press, following such notification by the Government, materially amended Article III of the by-laws, which deals with admission of members, as appears from Exhibit E. The Board of Directors in proposing such amendment adopted the following preamble which was read at the membership meeting:

> Whereas, the Department of Justice has declared, through a series of communications to the officers of this corporation and in personal interviews following an [fol. 48] examination of the By-Laws of The Associated Press, that they are in violation of the provisions of the Sherman Anti-Trust Law.
>
> And Whereas, this corporation through its officers and directors, has been placed on notice that certain changes must be made in its method of electing members or that it will incur the risk of proceedings in the courts which, if successful, could have the effect of bringing about the dissolution of the corporation, thus jeopardizing the existing rights of all members and impairing the value of their newspaper properties, therefore
>
> Be It Resolved, that this Board of Directors, having in mind the protection and the best interests of the entire membership, and in order to attempt to meet the objections raised by the Department of Justice, unanimously adopted the following amendments to the corporation's By-Laws which it recommends to the entire membership for ratification.

93. The amended by-laws, while in form they eliminate the prior "right of protest" against the admission of any new member competitive with an existing member, in substance achieve the same result by means even more objectionable than the abolished "right of protest." The by-laws, both before and after the 1942 amendment, make a sharp distinction between membership applications which do not affect the competitive interest of any existing member and those which do. In the former case, that is, where there is no existing membership in the "field" (morning, evening or Sunday) and city in which the applicant pub- [fol. 49] lishes its newspaper, the by-laws, both before and

after the recent amendment, authorize the Directors to elect to membership. But where there was an existing membership in such "field" and city, under the earlier by-laws any member competitive with the applicant could bar election by the Directors, by exercising (i. e., by failing to waive) his "protest right." Under the amended by-laws any such competitive member can likewise bar election by the Directors by similar exercise of the "right", which the by-laws give him, to receive a large money payment from the applicant. Thus not only do the amended by-laws continue the previous inducement to block election by the Directors, namely, the members' self-interest in protecting themselves against competition, but they add a new inducement for causing such result, namely, the self-interest in not foregoing a large money payment. Under the amended by-laws the previous simple "right of protest" is converted into the precise equivalent of the "right of protest" plus the "right" to exact a money payment as well.

94. Under the earlier by-laws the barrier against admission to membership of an applicant competitive with any existing member was the requirement that he obtain the affirmative vote of four-fifths of the members voting on the question of admission. This barrier, as previously stated, proved to be practically insurmountable. Under the amended by-laws the barriers against admission to membership are three-fold and equally prohibitive. They are—

[fol. 50] (1) That the applicant obtain the affirmative vote of a majority of the regular members voting on his membership application;

(2) That the applicant pay a large sum of money to the AP members competitive with him;

(3) That if the applicant has any exclusive right to a news or news-picture service, he shall, if any competitive AP member so requests, compel the person or corporation supplying this service to furnish it on the same terms to such AP member.

95. The affirmative majority vote required to elect a new member if he is competitive with an existing member tends to constitute a prohibitive condition on admission to membership and thus serves to effectuate the combination and conspiracy to which AP members have been parties from

the time of the organization of The Associated Press—to deny to competitors of the individual members access to AP service. One factor which tends to make this condition prohibitive in practice is the mutual self-interest of the members, or their imagined mutual self-interest, in preventing any breach of the principle that exclusion of competitors from AP service is one of the privileges attaching to AP membership. Another important factor contributing to the prohibitive effect of this condition is the capacity and opportunity to influence votes which the affected member or members may exercise, either by virtue of the ties created through long association in a common enterprise or by virtue of direct and tangible inducements or pressures.

[fol. 51] 96. The second barrier against admission to membership which the by-laws erect is the requirement that the applicant pay a large sum (which ordinarily would prove prohibitive) to the AP members competitive with the applicant. The amended by-laws provide that if there are one or more existing memberships in the field and city of publication the applicant, even if he has received the required affirmative majority vote, shall not be admitted to membership until he shall have complied with the following requirement:

> The applicant shall pay to this Corporation a sum equal to ten (10%) per cent of the total amount of the regular assessments received by the Corporation from members in the field (morning, evening or Sunday) in the city in which the applicant has been elected to membership, during the period from October 1, 1900, to the first day of the month preceding the date of the election of the applicant, provided, however, that such payment shall in no case be less than three times the current annual regular assessments.

97. The by-laws further provide that any amount paid to The Associated Press under the above provision shall be distributed by it among its members in the field and city in which the applicant is elected, in proportion to the regular assessments of such members since October 1, 1900. According to figures supplied the Government by The Associated Press, the respective amounts which are payable thereunder to competitors in order to obtain AP member-[fol. 52] ship and service for a morning paper, or AP mem-

bership and service for an evening paper, are as follows as of July 1, 1942, for the 11 largest cities of the country:

	Morning	Evening
New York	$1,432,142.73	$1,095,003.21
Chicago	416,631.90	595,772.31
Philadelphia	391,173.12	427,918.20
Detroit	273,929.91	300,702.16
Los Angeles	493,266.24	156,652.37
Cleveland	200,721.33	204,561.66
Baltimore	209,199.75	293,248.83
St. Louis	233,923.29	271,802.49
Boston	336,759.45	310,025.82
Pittsburgh	191,703.24	185,195.79
Washington, D. C.	184,421.49	182,974.50

98. The money payments for the benefit of competitors required by the amended by-laws cannot be justified as being simply recompense for values which these competitors have contributed to The Associated Press. The AP news which they have received constituted full and commensurate return for such contributions as they have made to it (by furnishing local news or by payment of annual assessments). The value attaching to the exclusory feature of AP membership is the product of the unlawful provisions of the membership contract, and the requirement of payment to competitors contained in the present by-laws thus represents an attempt by defendant members to profit by their own wrong. In so far as The Associated Press, by accumulating a reserve, has assets in excess of liabilities, it has never demanded of new members that they make a proportionate contribution. In any event, such contribution could not properly be computed arbitrarily, without reference to actual net worth, nor could it properly be demanded [fol. 53] on behalf of the particular competitors of the new member, but only on behalf of all AP members alike.

99. The third barrier against admission to membership which the by-laws erect is the provision that if there are one or more existing memberships in the field in the city of publication the applicant, even if he has received the required affirmative majority vote and has paid over, for the benefit of competitors, the amount stipulated by the by-laws, shall not be admitted to membership until he shall have complied with the following requirement:

> The applicant shall relinquish any exclusive right that he or it may have, by contract or otherwise, to

any news or news picture services that are being made available to the applicant at the time of the filing of his application for membership, by any other person, firm or corporation, and, when requested to do so by any member or members in the field in the city in which the applicant has been elected to membership, the applicant shall require the said news or news picture services, or any of them, to be furnished to such member or members, upon the same terms as they are made available to the applicant.

100. Under the above provision an applicant, if he has any exclusive right to a news or news-picture service, may be barred from membership unless he is able to induce the person or corporation furnishing such service to supply the same upon equal terms to competitive AP members. An AP member who avails himself of the benefit resulting [fol. 54] from enforcement of this requirement is under no reciprocal obligation, if he himself has any exclusive right to a news or news-picture service, to make this available to the applicant for admission.

Recent Exclusion of Applicants for Membership

101. The combination and conspiracy and other illegal concerted action hereinbefore described were not materially altered or in any respect abandoned as the result of the change in the by-laws at the 1942 annual membership meeting, which change, as previously stated, was made in the light of possible proceedings by the Government attacking the legality of the by-laws. Defendants continued their policy and practice of excluding competitors of AP members from AP service solely because of the competition offered. At this meeting, after the by-laws had been changed, they applied this policy by rejecting by a vote of more than two to one, three applications for membership which were then submitted to the vote of the members. The vote on one was 684 opposed, 287 favorable; the vote on the other two, presented by the same applicant, was 514 opposed, 242 favorable.

102. The first of these applications for membership had been filed in September 1941 by Marshall Field as the sole owner of a morning paper to be published in Chicago (which began publication December 4, 1941, under the name of The

Chicago Sun). Two AP members holding "protest rights" in the morning field in Chicago, the defendant Tribune Company, publisher of the Chicago Daily Tribune, and the Illinois Publishing & Printing Company, publisher of [fol. 55] the Chicago Herald-American, refused to waive their "protest rights." The Associated Press advised the applicant that in this situation the Board of Directors had, under the by-laws, no authority to elect and that the application would be referred to the next annual membership meeting to be held on April 20, 1942.

103. In connection with this application for membership the applicant informed The Associated Press that it was "absolutely necessary to acquire an AP membership in order that the contemplated newspaper shall be in a position to serve the interests of the people of Chicago with maximum effectiveness and shall be able to compete with other newspapers having AP services." He transmitted to The Associated Press an opinion of his counsel that "the power given to the members of the AP to exclude persons from its unique facilities" is in violation of the federal anti-trust laws. He also transmitted to it a copy of a letter in which he had offered to pay $250,000 in cash for the AP morning membership held by the Illinois Publishing & Printing Company for its newspaper Chicago Herald-American but which it did not utilize except for its Sunday edition.

104. The owner of The Chicago Sun is a responsible person, qualified in all respects to be a member of The Associated Press and possessed of sufficient resources to pay assessments and to assume all of the legitimate obligations of AP membership. By the denial of the application The Chicago Sun has been seriously handicapped and restrained in the conduct of its business.

[fol. 56] 105. Exclusion from AP membership denies to The Chicago Sun access to AP's news-picture service as well as to its news reports. This has proved a great competitive disadvantage not only because of the merits of this service but also because exclusive regional contracts made with competing newspapers by the only two other services furnishing newspapers with national coverage in news pictures have prevented The Chicago Sun from obtaining news pictures from these other agencies.

106. At the time that The Chicago Sun began publication, as well as for two years prior thereto, The Chicago Daily Tribune, which has the second largest circulation of any American newspaper, was the only daily morning newspaper published in Chicago, except the specialized Chicago Journal of Commerce (average circulation in 1941, 21,170). This newspaper therefore had, prior to the advent of The Chicago Sun, a monopoly of the morning field not only in the second largest city in the country but also in that large area of the Middle West which is tributary to Chicago in respect to morning delivery of a metropolitan newspaper. There was therefore available to newspaper readers in this important territory only one morning metropolitan paper. No alternative choice was offered this vast reader audience however deficient or biased such newspaper might be, or might be thought to be, in its treatment of the news and in the viewpoint set forth in its news and editorial columns. Defendants' combination serves to perpetuate these un-
[fol. 57] wholesome monopoly conditions to the extent that withholding AP's news service from the Chicago Daily Tribune's competitor prevents that competitor from winning circulation among members of the public who, justifiably or not, prefer to read a newspaper which receives AP. news.

107. The two other applications for membership which were presented at the 1942 annual meeting were filed in November 1941 by Eleanor Medill Patterson as sole owner of the Washington Times-Herald. One was filed on behalf of the morning edition and the other on behalf of the evening edition of that paper. The member holding right of protest in the morning field, the partnership Eugene Meyer & Co., publisher of The Washington Post, and the member holding right of protest in the evening field, the defendant The Evening Star Newspaper Company, publisher of The Evening Star, failed to waive their protest rights. The applications were, as required by the by-laws under these circumstances, referred to the next annual membership meeting and they were then, as previously stated, rejected by an adverse vote of more than two to one. This action restrained The Washington Times-Herald in the conduct of its business. In addition, the effect of defendants' combination is that in the capital of the country (and the 11th largest city) there is only one paper in the morning and

only one paper in the evening which can offer its readers the news service which The Associated Press proclaims to be superior to any other news service.

[fol. 58] The Acquisition of Wide World Photos, Inc.

108. In the year 1941 The Associated Press acquired the capital stock of Wide World Photos, Inc. (now Wide World News & Photos, Inc.) a New York corporation, which was then, and for a number of years prior to that time had been, engaged in furnishing news pictures in interstate commerce to newspapers which were not members of The Associated Press and also to certain AP members, in competition with The Associated Press. Thereupon, The Associated Press augmented its own news picture service furnished only to AP members and discontinued the news picture service of Wide World Photos, Inc. available to non-members of The Associated Press, except as required to carry ont existing contracts. For example, The Federated Press, an organization furnishing the only daily labor news service in this country, and having more than 125 newspaper clients, which had been receiving Wide World picture service for six years, was cut off from this service by this action of The Associated Press. The effect of this acquisition was substantially to lessen competition between The Associated Press and Wide World Photos, Inc., to restrain interstate commerce in news pictures and to tend to create a monopoly in The Associated Press of such interstate commerce in news pictures. Said acquisition was in violation of Sections 1 and 2 of the Sherman Antitrust Act and Section 7 of the Clayton Act.

[fol. 59] Demands for Relief

Wherefore Plaintiff Demands Judgment as Follows:

I. That the acts of the defendants hereinbefore described constitute a combination and conspiracy in restraint of interstate trade and commerce in violation of the Act of July 2, 1890, entitled "An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies";

II. That the acts of the defendants hereinbefore described constitute a monopolization of a part of interstate trade and commerce, an attempt to monopolize the same and a combination and conspiracy to monopolize the same in violation of the said Act of July 2, 1890;

III. That the defendants and each of them, and each and all of their respective agents and employees, and all persons acting or claiming to act on behalf of them or any of them, be perpetually enjoined from further engaging in or carrying out said combination and conspiracy in restraint of interstate trade and commerce, said combination and conspiracy to monopolize a part of said interstate trade and commerce, said monopolization and attempt to monopolize, or from doing any act in furtherance thereof, or from engaging in any similar combination or conspiracy, monopolization or attempt to monopolize having the same general purpose and effect;

IV. That each and every provision of the by-laws of The Associated Press which imposes any condition, limitation, [fol. 60] or requirement upon admission to membership in The Associated Press is illegal, null, and void, and in violation of said Act of July 2, 1890, except provisions of said by-laws to the extent that they require every member to be the sole owner of a newspaper, or require that every applicant for membership, before becoming a member, file proof of such ownership and proof of the "field" in which his or its newspaper is published (i. e., morning, afternoon, Sunday and/or weekly), or that the applicant sign the membership roll of The Associated Press and assent in writing to its by-laws (other than the provisions of such by-laws herein adjudged to be illegal);

V. That each and every provision of the by-laws of The Associated Press which prohibits a member from furnishing to anyone not a member of The Associated Press news which he or it is required by the by-laws to supply to The Associated Press is illegal, null, and void, and in violation of said Act of July 2, 1890;

VI. That the defendants and each of them, and each and all of their respective agents and employees, and all persons acting or claiming to act on behalf of them or any of them, be perpetually enjoined from further carrying out any provision of the by-laws of The Associated Press which is herein adjudged to be illegal, and from making, becoming a party to, or carrying out any subsequent provision of such by-laws of like character, effect, or purpose to any provision of such by-laws which is herein adjudged to be illegal;

VII. That the acquisition by The Associated Press of the stock of Wide World Photos, Inc. is illegal, null and [fols. 61-62] void, and in violation of Sections 1 and 2 of said Act of July 2, 1890, and of Section 7 of the Act of October 15, 1914, known as the Clayton Act, and that The Associated Press be required to divest itself of said stock and of all interest in Wide World Photos, Inc.;

VIII. That the plaintiff have such other, further, general and different relief as the case may require and the court may deem proper in the premises;

IX. That the plaintiff recover its taxable costs.

John Henry Lewin, Charles H. Weston, Special Assistants to the Attorney General, Department of Justice, Antitrust Division, 233 U. S. Court House, Foley Square, New York, N. Y.

Francis Biddle, Attorney General. Thurman Arnold, Assistant Attorney General.

[fol. 63] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

[Title omitted]

Exhibits to Complaint

EXHIBIT A

Certificate of Incorporation of The Associated Press—Filed May 23, 1900

We, the undersigned, all being persons of full age, and all being citizens of the United States, and at least one of whom is a resident of the State of New York, desiring to form a corporation for the purposes hereinafter set forth, pursuant to the provisions of the Membership Corporations Law, entitled, "An Act Relating to Membership Corporations," approved May 8, 1895, as since from time to time amended, Do Hereby Make, Sign, and Acknowledge this Certificate, and we accordingly do hereby Certify:

I. The name of the proposed corporation is "The Associated Press."

II. The said corporation is an association of certain persons, who, owning or representing certain newspapers, unite

in a mutual and co-operative organization for the collection and interchange, with greater economy and efficiency, of information and intelligence for publication in the newspapers owned or represented by them. Other owners or representatives of newspapers, from time to time, may be elected to membership in such manner and upon and subject to such conditions, regulations and limitations as may be prescribed by the By-Laws, and no person not so elected shall have any right or interest in the corporation or enjoy any of the privileges or benefits thereof.

The objects and purposes for which the said corporation is formed are to gather, obtain and procure by its own instrumentalities, by exchange with its members and by any other appropriate means, any and all kinds of information [fol. 64] and intelligence, telegraphic and otherwise, for the use and benefit of its members and to furnish and supply the same to its members for publication in the newspapers owned or represented by them, under and subject to such regulations, conditions and limitations as may be prescribed by the By-Laws; and the mutual cooperation, benefit and protection of its members. In furtherance of its said objects and purposes it shall have power to purchase and acquire in the State of New York and elsewhere such real and personal estate and property as may be necessary or proper, and to mortgage the same to secure the payment of any bonds which may be issued by the corporation, and generally to do any and all things which may be necessary or proper in connection with its objects and purposes, which may not be contrary to law.

The corporation is not to make a profit nor to make or declare dividends and is not to engage in the business of selling intelligence, nor traffic in the same.

III. The territory in which the operations of the corporation are to be principally conducted is within the limits of the United States of America and its Territories and Canada, but it is also to have power to conduct such operations in part outside of the limits of the United States, so far as may be necessary in accomplishing the objects and purposes of its organization.

IV. The principal office of the corporation is to be located in the City of New York, in the State of New York.

V. The duration of such corporation is to be perpetual.

VI. The number of Directors of such Corporation is to be six.

The names and places of residence of the persons who are to be its Directors until its first annual meeting are:

Name	Place of Residence
Stephen O'Meara	262 Washington Street, Boston, Mass.
Adolph S. Ochs	41 Park Row, Borough of Manhattan, New York City.
St. Clair McKelway	Corner Washington and Johnson Streets, Borough of Brooklyn, New York City.
William L. McLean	612 Chestnut Street, Philadelphia, Pennsylvania.
Frank B. Noyes	1101 Pennsylvania Avenue, Washington, D. C.
Alfred H. Belo	Corner Lamar and Commerce Streets, Dallas, Texas.

VII. The date for holding its annual meeting shall be the third Wednesday in September of each year.

In Witness Whereof, we, the subscribers, have made, signed and acknowledged this Certificate in duplicate, and have hereunto subscribed our names, this twenty-second day of May, 1900.

Stephen O'Meara, Adolph S. Ochs, St. Clair McKelway, William L. McLean, Frank B. Noyes, A. H. Belo.

[fol. 65]

EXHIBIT B

Statement of Amendments to Certificate of Incorporation of the Associated Press

The number of directors was increased from six to 15 by a certificate duly filed with the Secretary of State of New York on October 1, 1900.

The time of the annual meeting was changed from the third Wednesday in September of each year to the Tuesday preceding the fourth Thursday in April of each year, and was changed from that time to the Monday preceding the fourth Thursday in April of each year, by certificate duly filed with the Secretary of the State of New York on September 21, 1907, and July 9, 1926, respectively.

The number of directors was increased from 15 to 18 by a certificate duly filed with the Secretary of State of New York on April 9, 1937.

By a certificate duly filed with the Secretary of State of New York on April 25, 1939, Article II of the Certificate of Incorporation, which sets forth the purposes, powers, and provisions of the Corporation, was amended by substituting therefor the following:

The members of this corporation are certain individuals, corporations, partnerships, limited liability companies, joint-stock and other associations united in a mutual and corporative organization. Other individuals, corporations, partnerships, limited liability companies, joint stock and other associations from time to time may be elected to membership, either regular or associate, in the manner and upon and subject to such conditions, regulations and limitations as may be prescribed by the By-Laws of the corporation, and no individuals, corporations, partnerships, limited liability companies, joint stock or other associations not so elected shall have any right or interest in the corporation.

The objects and purposes for which the corporation is formed are to gather, obtain and procure, by its own instrumentalities, by exchange with its members and others, and by any other appropriate means, any and all kinds of news, information and intelligence; literary property of all kinds including that which is informative, educational or otherwise of public interest; news pictures, pictorial news and art of any and all kinds and to furnish and supply the same to its members and others entitled to the use thereof under and subject to such regulations and conditions as may be prescribed [fol. 66] by the By-Laws and the mutual cooperation benefit and protection of its members. In furtherance of its said objects and purposes, the corporation shall have power to purchase and acquire in the State of New York, and elsewhere such real and personal estate and property as may be necessary or proper, and to mortgage the same to secure the payment of any bonds which may be issued by the corporation, and generally to do any and all things which may be necessary or proper in connection with its objects and purposes, which may not be contrary to law.

The corporation is not to make a profit nor to make or declare dividends.

[fol. 67] EXHIBIT C

Original by-laws of the Associated Press, Adopted September 19, 1900

Article I

Objects

The incorporators of this Association are certain persons, who, owning or representing newspapers, unite in a mutual and co-operative organization for the collection and interchange, with greater economy and efficiency, of intelligence for publication in the newspapers owned or represented by them. Other owners or representatives of newspapers, from time to time, may be elected to membership in the manner and upon and subject to the conditions, regulations and limitations prescribed by these By-Laws, and no persons not so elected shall have any right or interest in the Corporation or enjoy any of the privileges or benefits thereof.

The objects and purposes for which the Corporation is formed are to gather, obtain and procure by its own instrumentalities, by exchange with its members, and by any other appropriate means, any and all kinds of information and intelligence, telegraphic and otherwise, for the use and benefit of its members, and to furnish and supply the same to its members for publication in the newspapers owned or represented by them, under and subject to such regulations, conditions, and limitations, as may be prescribed by the By-Laws; and the mutual co-operation, benefit and protection of its members. In furtherance of its said objects and purposes it shall have power to purchase and acquire in the State of New York and elsewhere such real and personal estate and property as may be necessary or proper, and to mortgage the same to secure the payment of any bonds which may be issued by the Corporation, and generally to do any and all things which may be necessary or proper in connection with its objects and purposes, which may not be contrary to law.

The Corporation is not to make a profit, nor to make or declare dividends, and is not to engage in the business of selling intelligence nor traffic in the same.

Article II

Membership

Section 1. *Who Are Eligible.*—The sole or part owner of a newspaper, or an executive officer of a corporation, [fol. 68] limited liability company, or joint stock or other association which is the owner of a newspaper, shall be eligible to election as a member of this Corporation, in the way and upon and subject to the conditions and limitations hereinafter specified, provided that not more than one person at a time shall be eligible by reason of connection with any one newspaper. No other person shall be eligible.

Sec. 2. *Proof of Ownership or Representation to be Filed.*—Every applicant for membership in this Corporation shall file with the Secretary of the Corporation such proof as may be required by its Board of Directors of his ownership or part ownership, or of the ownership by a corporation, limited liability company, or joint stock or other association of which he is an executive officer, or a specified newspaper. In case he shall be only a part owner, he shall file also the consent of his co-owners to his election. In case he shall be an executive officer of a corporation, limited liability company, or joint stock or other association, he shall file also a certificate to that effect under its seal in such form as may be required by the Board of Directors.

Sec. 3. *Change of Ownership.*—In case any member shall cease to be the owner, or part owner, of the newspaper specified in his certificate of membership or shall cease to be an executive officer of a corporation, limited liability company, or joint stock or other association which is the owner of the newspaper specified in his certificate of membership, he shall *ipso facto*, and without action by this Corporation, cease to be a member, and he shall no longer enjoy any of the privileges of the Corporation: He may, however, in that case (provided that he is not then under process of discipline for violation of any by-law, rule or regulation of the Corporation) assign his certificate of membership to any other owner or part owner or executive officer of the corporation, limited liability company, or joint stock or other association which is the owner of such newspaper, who shall thereupon become a member upon singing the roll of members, and assenting to the By-Laws, and,

even without such assignment, such other executive officer, owner or part owner, thereupon shall become entitled to membership, and upon filing the certificate or satisfactory proof that he is such officer, owner or part owner, hereinbefore mentioned, and upon signing the roll of members, and assenting to the By-Laws, he shall at once become and be a member with all the privileges and subject to all the duties of membership, *provided*, however, that the predecessor was not, at the time when he ceased to be a member, under any process of discipline for violation of any By-Law, rule or regulation of this Corporation. In case of the death of any member who is the sole owner of the newspaper specified in his certificate of membership, his legal representative may assign his certificate of membership to his successor in the ownership of said newspaper, who shall thereupon become a member upon signing the roll of members and assenting to the By-Laws. In case of the death of any member who is the part owner of the newspaper specified in his certificate of membership, a co-owner of said [fol. 69] newspaper shall be entitled to succeed to his membership upon signing the roll of members and assenting to the By-Laws.

Sec. 4. *Transfer of Certificate with Sale of Paper.*—When a change shall be made in the ownership of any newspaper for which a member of the Corporation is entitled to receive a news service, the member may transfer his certificate of membership with his newspaper, and the new owner shall be constituted a member by virtue of such assignment upon complying with the requirements prescribed by the next succeeding article of these By-Laws.

Sec. 5. *Change of Name.*—Whenever the name of any newspaper mentioned in any membership certificate shall be changed in any respect, the member holding such certificate shall thereupon give written notice of the change to the Secretary and shall return his certificate of membership to be cancelled, whereupon a new certificate in like terms shall be issued, designating the newspaper by its new name.

Sec. 6. *Termination of Membership.*—All rights and interest of any member in the property and privileges of the corporation shall cease with the termination of his membership.

Sec. 7. *Relations of Members to Newspapers.*—Every member shall be eligible to election and to enjoy the privileges of membership solely by virtue of his relation to the newspaper named in his certificate of membership, and shall be held responsible for any violation of the By-Laws by himself or by any other person connected with such newspaper to the same extent that he would have been responsible had the violation been committed by him personally.

Article III

Admission of Members

Sec. 1. *Election by the Corporation.*—Members may be elected by the affirmative vote of not less than four-fifths of all the members of the Corporation at any regular meeting of the members of the Corporation or at a special meeting called for that purpose. Such votes may be cast in person or by proxy.

Sec. 2. *Election by Directors.*—Members may also be elected by the Board of Directors, when no meeting of the members of the Corporation is in session, provided that whenever any member of the Corporation is entitled as hereinafter specified to protest against election of any new member by the Board of Directors, the Board shall have no power to elect such new member unless it shall have received a waiver in writing of such right of protest from all members entitled thereto, but no right of protest shall be held to prevent the Board of Directors from electing to membership the owner, part owner or executive officer of any corporation, limited liability company, joint stock or other association, which is the owner of any newspaper which was entitled to a service of news under an existing [fol. 70] contract with the Associated Press (of Illinois), on the 13th day of September, 1900.

Sec. 3. *Admission of successor.*—When any person shall have ceased to be a member and his successor shall have become entitled to membership as provided in the last preceding article, such successor, upon filing with the Secretary proper proof that he is entitled to membership, and signing the roll of members and in writing assenting to the By-Laws, shall forthwith become and be a member, and be entitled to all the privileges and subject to all the duties

and obligations of membership, and the Board of Directors at the next meeting held thereafter shall formally elect such successor and ratify his admission as a member.

Sec. 4. *Written assent to By-Laws essential to admission to membership.*—A person elected or entitled to become a member in any of the ways hereinbefore provided shall not be admitted to membership, nor shall he be a member, nor shall he be entitled to any of the rights or privileges of membership, until, either in person or by proxy duly constituted in writing, he shall have signed the roll of members and in writing shall have assented to the By-Laws and agreed to be bound thereby and by any amendments thereto which may be thereafter regularly adopted.

Sec. 5. *Form of certificate.*—To each member there shall be issued a certificate of membership signed by the President and by the Secretary of this Corporation, and bearing its seal. The certificate shall designate the newspaper for which the member shall be entitled to receive the news report of this Corporation, until he shall cease to be a member or until his right shall be suspended or terminated under the By-Laws; it shall specify the language in which the newspaper is to be printed; whether it is a morning or an afternoon newspaper, and the place of its publication; it shall state whether the member is to receive a day or a night report; it shall state the extent and nature of the member's right of protest, if such right shall have been accorded to him under the By-Laws as hereinafter set forth; it shall state the obligation of the member to furnish the news of a prescribed district, and to pay the regular weekly dues and other assessments as they may be, from time to time, fixed by the Board of Directors; it shall state that the holder thereof has assented to and is in all respects subject to and bound by the By-Laws; in other respects it shall be in such form and shall contain such provisions as shall be prescribed by the Board of Directors; it shall not be transferable except to the extent and in the way hereinbefore provided.

Sec. 6. *Right of protest.*—The members of this corporation may, by an affirmative vote of seven-eights of all the members, confer upon a member (with such limitations as may be at the time prescribed) a right of protest against the admission of new members by the Board of Directors.

The right of protest, within the limits specified at the time it is conferred, shall empower the member holding it to demand a vote of the members of the Corporation on all applications for the admission of new members within the [fol. 71] district for which it is conferred except as provided in Section 2 of this Article.

Sec. 7. *Waiver of right of protest.*—If a member having a right of protest makes a waiver subject to specified conditions, such waiver shall be effective only as stated herein.

Article IV

Meetings of Members

Section 1. *Annual Meetings.*—The annual meeting of the members of The Associated Press shall be held in the City of New York, at 11 o'clock A. M., on the third Wednesday of September in the year 1900, and in each year thereafter, for the election of Directors and such other business as may be presented.

Sec. 2. *Special Meetings.*—Special meetings of the members shall be called by the President and Secretary upon the order of the Board of Directors or the Executive Committee, or whenever a request in writing therefor shall be received by the Secretary bearing the signature of fifty of the members of the Corporation. No business shall be transacted at a special meeting except such as may be embraced in the call therefor.

Sec. 3. *Notice of Meetings.*—The Secretary shall give notice of all meetings of the members by mailing to each member at his given address a written or printed notice stating the time and place of meeting, and the business to be considered, if a special meeting. Such notices shall be mailed thirty days before the annual meeting, and fifteen days before special meetings. Special meetings may, however, be held for any purpose, without notice, at any time when all the members are present or duly represented by proxy.

Sec. 4. Proxies.—A member may be represented at any meeting by a properly authorized proxy, who shall file a lawful power of attorney with the Secretary. No salaried officer or employee of the Corporation shall hold a proxy or vote upon the same.

Sec. 5. *Quorum.*—To constitute a quorum for the transaction of business, at least a majority of the members must be present either in person or by proxy except as otherwise provided by Section 25 of the General Corporation Law of the State of New York in the case of special elections of Directors. A majority may adjourn from time to time until a quorum shall be present.

Article V

Board of Directors

Sec. 1. *Number of Directors.*—The affairs of the Corporation shall be managed by fifteen Directors, at least two of whom shall be residents of the State of New York.

Sec. 2. *Who may be Directors.*—Each Director shall be a member of this Corporation, and any Director who shall cease to be so qualified shall thereby cease to be a Director.

[fol. 72] Sec. 3, *Three Classes.*—The six Directors to hold office until the first annual meeting of the members of this Corporation shall be those named in the Certificate of Incorporation. The Directors elected at such first annual meeting shall forthwith divide themselves by lot into three classes of equal number. The Directors of the first class shall hold office until the first annual meeting after their election. The Directors of the second class shall hold office until the second annual meeting after their election, and those of the third class shall hold office until the third annual meeting after their election.

Sec. 4. *Election of Directors.*—At each annual meeting the members and those entitled to vote upon bonds, as hereinafter provided, shall elect Directors to succeed those whose terms expire at such meeting, and also to fill any vacancies in the Board of Directors which may have occurred since their last annual meeting. At each annual meeting after the first the Directors elected to fill the places of those whose terms have expired, shall be elected for a term of three years, and Directors shall in all cases continue in office until their successors are elected.

Sec. 5. *Powers of Board.*—The Board of Directors shall, in addition to the powers elsewhere granted by the By-Laws, or otherwise conferred by law, have power to make

contracts; to fill vacancies in their own number until the next annual meeting; to elect and remove officers and agents; to engage and discharge employees; to fix the compensation of officers, agents and employees; to borrow money; to issue bonds; to authorize a mortgage or mortgages; to expend the money of the Corporation for its lawful purposes, and to do all acts, not inconsistent with the Certificate of Incorporation, or the By-Laws, which it may deem for the best interests of the Corporation, and in general shall have the control and management of all the affairs of the Corporation, except as otherwise provided in the By-Laws. The votes of a majority of all the Directors shall be required to elect or remove an officer.

Sec. 6. *Executive Committee.*—The Board of Directors shall annually appoint an Executive Committee of not less than five of its own number, who shall hold office for one year or during the pleasure of the Board and shall have the same powers as the Board except the powers in respect to the election and discipline of members as specified in Article III and X of these By-Laws, and except the powers conferred on the Board of Directors by Section 7 of Article VIII of these By-Laws. The Executive Committee shall keep a full record of its acts and proceedings, and report all actions taken by it to the next meeting of the Board. Vacancies therein shall be filled by the Board of Directors.

Sec. 7. *Auditing Committee.*—The Board of Directors shall annually appoint an auditing committee of not less than two persons, not of its own number, to examine the accounts of the Corporation.

Sec. 8. *Other Committees.*—The Board of Directors from time to time may, by resolution, appoint other committees for special purposes, designating their duties and powers.

[fol. 73] Sec. 9. *Reports.*—The Board of Directors shall make a report of all its doings and of the affairs of the Corporation for each fiscal year, a copy of which shall be sent to each member at least twenty days prior to each annual meeting. Such fiscal year shall end on June 30th in each year. The Board of Directors shall also cause to be mailed to each member a report of the proceedings of each meeting of the Corporation and of the Board of Directors as soon after the holding of such meeting as practicable.

Sec. 10. The Board of Directors shall have power to adopt a corporate seal and alter the same at its pleasure.

Sec. 11. *Meetings.*—The Board of Directors shall hold at the City of New York a meeting on the day preceding the annual meeting of the members, and also another meeting for the election of officers and for other purposes, on the day succeeding the annual meeting of the members. It shall fix, by resolution from time to time, the dates of the other regular meeting of the Board, of which there shall be not less than two in every year, in addition to the two herein provided for. Special meetings of the Board may be called by the President or any three Directors. Notice of all meetings shall be given by telegraphing or by mailing a notice thereof to each Director at least five days before the date of the meeting, which notice shall be sent either by the Secretary, the President or the Directors calling the meeting. A majority of the Board shall constitute a quorum, but in case a quorum shall not be present, a minority may adjourn from time to time until a quorum shall be obtained. The meetings of the Board of Directors—except as hereinbefore provided—shall be held either in the City of New York, or elsewhere, as may be specified in the resolutions of the Board fixing the dates of regular meetings, and in the notices calling special meetings.

Sec. 12. *General Authority.*—The Board of Directors, from time to time, by resolution, may provide for all matters in respect to which no provision is made by these By-Laws.

Article VI

Officers

Section 1. *Election.*—The officers of the Corporation shall be a President, a First Vice President, a Second Vice President, a Secretary, an Assistant Secretary, and a Treasurer, who shall be elected annually by ballot by the Board of Directors at its first meeting after the annual meeting of members. The President shall be selected from among the Directors; the Vice Presidents shall be selected from the membership of the Corporation; the other officers need not be members of the Corporation.

Sec. 2. *Term of Office.*—All officers shall hold their respective offices for one year after their election and until

their successors are elected and qualified, unless removed by the Board of Directors.

Sec. 3. The President shall preside over all meetings of [fol. 74] the members and Board of Directors at which he may be present, and shall exercise general supervision and control over the affairs of the Corporation, subject to the direction of the Board.

Sec. 4. It shall be the duty of the First Vice President, in case of the absence of the President, or his inability to act, to exercise all his powers and discharge all his duties; in case of the absence or disability of both the President and First Vice President, it shall be the duty of the Second Vice President to exercise all the powers and discharge all the duties of the President; and in case of the absence or disability of the President, the First Vice President and the Second Vice President, a President *pro tempore* shall be chosen by the Board.

Sec. 5. The Secretary shall attend all meetings of the members, of the Board of Directors and of the Executive Committee, and shall keep a true record of the proceedings thereof; he shall cause to be kept in the office of the Corporation all contracts, leases, assignments, other instruments in writing, and documents not properly belonging to the office of Treasurer; he shall execute all certificates of membership, bonds, contracts and other instruments authorized to be made or executed by or on behalf of the Corporation; *provided*, that all instruments requiring the corporate seal shall also be executed by the President or a Vice President. He shall also perform such other duties as may be assigned to him by the Board of Directors.

Sec. 6. It shall be the duty of the Assistant Secretary, in case of the absence of the Secretary, or his inability to act, to exercise all his powers and discharge all his duties.

Sec. 7. The Treasurer shall receive all moneys of the Corporation, safely keep the same, and pay out such sums as may be authorized by the Board of Directors. He shall give a bond in such amount as the Board may require.

Sec. 8. The officers may receive such compensation as may from time to time be prescribed by the Board of Directors.

Article VII

Rights and Privileges of Members

Section 1. At all meetings of the members of the Corporation, each member may cast one vote by virtue of his membership, and such additional votes as he may be entitled to cast as the holder of bonds issued by the Corporation.

Sec. 2. Each member shall be entitled, upon compliance with the provisions of the By-Laws, to receive a service of news for the purpose of publication in the newspaper specified in his certificate of membership, and for that purpose only. The nature and extent of the news service to be so received by the member shall be determined by the Board of Directors, upon his admission, and the initial dues or assessment shall be fixed at the same time and by the same au- [fol. 75] thority, subject, however, to change as hereinafter provided in Article IX.

Sec. 3. The nature and extent of the news service to any member may be changed from time to time by the Board of Directors; *provided*, that this section must not be construed to give the Board of Directors authority to grant a news service in violation of the right of protest as hereinbefore specified, or to omit the news service to any member except for cause as provided in these By-Laws.

Sec. 4. The news service of this Corporation shall be furnished only to the members thereof, or to the newspapers represented by them and specified in their certificates of membership.

Sec. 5. A member shall publish the news of The Associated Press only in the newspaper, the language, and the place specified in his certificate of membership and he shall not permit any other use to be made of the news furnished by the Corporation to him or to the newspaper which he represents.

Sec. 6. The time limits for the receipt and the publication of news by members shall be (standard time in all cases at place of publication) as follows: Morning papers to receive not later than 5 A. M., and to publish between 11 P. M. and 11 A. M., afternoon papers to receive not later than 4 P. M., and to publish between 11 A. M. and 11 P. M.; *provided*, that the Board of Directors may authorize, that upon extraordi-

nary occasions, The Associated Press dispatches may be used in extra editions or for bulletins outside of the hours named.

Sec. 7. By the vote of a majority of the Board of Directors, a member may be permitted to withdraw upon payment of all dues, assessments and other obligations, and upon the surrender and cancellation of his certificate of membership and upon such other terms as the Board of Directors may fix. If any member shall apply to the Board of Directors for permission to withdraw, and the same shall be refused, he may nevertheless give written notice to the Secretary of his intention to withdraw, and six months after such notice shall have been received, he may terminate his membership upon payment of all dues, assessments and other obligations to the date of his final withdrawal.

Sec. 8. No news furnished to the Corporation by a member shall be supplied by the Corporation to any other member publishing a newspaper within the district which the Board of Directors shall have described in defining the obligations of such member to furnish news to the Corporation.

Article VIII

Duties and Obligations of Members

Section 1. Each member shall comply with all the provisions of the By-Laws and such amendments as may be adopted from time to time.

[fol. 76] Sec. 2. During the term of his membership or until his right to the receipt of the news report of this Corporation shall be terminated in the manner hereinafter provided for, each member shall pay all dues, assessments and other obligations as the same may be fixed and apportioned by the Board of Directors.

Sec. 3. Each member shall take the news service of the Corporation and publish the news regularly in whole or in part in the newspaper named in his Certificate of Membership. He shall also furnish to the Corporation, all the news of his district, the area of which shall be determined by the Board of Directors.

Sec. 4. *How News Shall Be Furnished.*—In places where the Corporation has a correspondent the members shall af-

ford to such correspondent convenient access at all times to the news in their possession, which they are required to furnish as aforesaid, and in places where the Corporation has no correspondent the members shall supply the news required to be furnished by them in such manner as may be required by the Board of Directors.

Sec. 5. *What News to Be Furnished.*—The news which a member shall furnish as herein required shall be all such news as is spontaneous in its origin, but shall not include any news that is not spontaneous in its origin, or which has originated through deliberate and individual enterprise on the part of such member or of the newspaper specified in his certificate of membership.

Sec. 6. *To Guard News Report.*—No member shall furnish, or permit any one in his employ or connected with the newspaper specified in his certificate of membership to furnish, to any person who is not a member, the news of the Corporation in advance of publication, or to another member any news received from the Corporation which the Corporation is itself debarred from furnishing to such member, nor conduct his business in such a manner that the news furnished by the Corporation may be communicated to any person, firm, corporation or association not entitled to receive the same.

Sec. 7. *Endangering Inviolability of News Service.*—Experience having shown that it is very difficult, if not impossible, to avoid or prevent violation of the rules prescribed by the last preceding section, or to detect or prove any such violation, if the members are permitted to purchase news from other associations, and that such purchase news may be seriously prejudicial to the interest and welfare of the Corporation and its members, the Board of Directors may, in their discretion, forbid the members to purchase intelligence from any other such association.

When the Board of Directors by a vote of two-thirds of all its members shall decide and notify any members that the purchase or receipt of news from any other person, firm, corporation or association not a member of this Corporation or represented in this Corporation by a member, or any other action by such member, establishes a condition that will be likely to permit the news of this Corporation to be [fol. 77] disclosed to unauthorized persons, such members

shall immediately discontinue purchasing or receiving such news, or such other objectionable action. The decision of the Board of Directors as to the establishment of such condition shall be final, and the fact shall not thereafter be open to question by a member.

Sec. 8. *Sale of News By Members.*—No member shall furnish, or permit any one to furnish, to any one not a member of this Corporation, the news which he is required by the By-Laws to supply to this Corporation.

Sec. 9. *To Print Credits.*—Members shall print in their newspapers such credit to the Corporation, or to any paper or other source from which news may be obtained, as shall be required from time to time, by the Board of Directors.

Sec. 10. *Public Documents.*—No member shall anticipate the publication of any document of public concern, confided to this Corporation for use on a stipulated date, however said member may have secured said document.

Article IX

Apportionment of Expenses

Section 1. *How Apportioned.*—The cost of collecting, exchanging and transmitting the news service, as well as all other expenses of the Corporation, shall be apportioned among the members by the Board of Directors, in such manner as it may deem equitable, and the Board shall levy assessments upon the members therefor. The Board of Directors may change such apportionment and assessment from time to time, and may also levy assessments upon the members in order to accumulate a surplus fund for emergency purposes; *provided* that any increase of assessment exceeding 50 per cent. shall require the affirmative vote of two-thirds of all the Directors. There shall be no right to question the action of the Board of Directors in respect to such apportionment or assessments, either by appeal to a meeting of members or otherwise, but the action of the Directors, when taken, shall be final and conclusive.

Sec. 2. *Payable Weekly in Advance.*—All regular assessments levied against members shall be payable weekly in advance, and the Treasurer or other authorized agent of the Corporation shall draw on each member therefor. Such as-

sessment shall be paid promptly, and, if any assessment draft shall be unpaid at the end of three days after presentation, a penalty of 10 per cent. thereon shall be added thereto, and it shall be the duty of the Secretary thereupon to notify the member in default that the news service will be discontinued at the expiration of two weeks from the date of the notice, unless all overdue assessments and penalties shall have been paid to the Treasurer of the Corporation before that date, and, if the same are not so paid, such news service shall thereupon be discontinued.

[fol. 78] Artiele X

Fines, Suspensions, Etc.

Section 1. *Powers of Board to Fine; Suspend or Present for Expulsion.*—When the Board of Directors shall decide that a member has violated any of the provisions of the By-Laws, it may, by a two-thirds vote of all the Directors, impose upon such member a fine not exceeding one thousand dollars, or suspend his privileges and present him for expulsion as hereinafter provided, or it may both suspend his privileges and present him for expulsion. Before any such action shall be taken, however, it shall give to the member affected an opportunity to be heard in his own defence upon ten days' notice in writing of the time and place at which he will be so heard.

Sec. 2. *Effect of Suspension.*—When the privileges of a member are suspended, his news service shall be discontinued, and notice of the suspension shall be sent at once by the Secretary to all the members. Any order of suspension may be repealed by the affirmative vote of a majority of the whole Board of Directors, and notice thereof shall be sent at once by the Secretary to all the members.

Sec. 3. *Terms of Suspension.*—Any member so suspended may, at his option, retain his membership, and, at the expiration of the period for which he shall have been suspended, or upon the repeal of the suspension as hereinbefore provided for, he shall again become entitled to receive the news service as called for in his certificate of membership, or such member may withdraw from the Corporation upon paying all dues, assessments and other obligations then due or incurred and unpaid.

Sec. 4. *Action Conclusive.*—The action of the Board of Directors on any of the foregoing matters mentioned in this article shall be final and conclusive. No members shall have any right to question the same.

Article XI

Expulsion of Members

Section 1. *Right to Expel.*—The members of the Corporation, at any regular meeting, or at a special meeting called for that purpose, shall have the right to expel a member for any violation of these By-Laws, or for any conduct on his part, or on the part of any one in his employ or in the employ of or connected with the newspaper designated in his certificate of membership which in its absolute discretion it shall deem of such a character as to be prejudicial to the interests and welfare of the Corporation and its members, or to justify such expulsion. The action of the members of the Corporation in such regard shall be final and there shall be no right of appeal against or review of such action.

Sec. 2. *Formal presentation.*—Before the Corporation may entertain a motion to expel a member there shall be a [fol. 79] formal presentation of such member either by the order of the Board of Directors after hearing as hereinbefore provided, or through a written notification signed by five members. The member affected shall have a right to be heard in his own behalf before the motion to expel is put to a vote.

Sec. 3. *Notice to the member to be presented.*—If a member is to be presented for expulsion without previous hearing by the Board of Directors, the notice of presentation shall be filed with the Secretary of the Corporation at least three weeks prior to the meeting of the members at which action is to be taken, and the Secretary shall forward a certified copy to the member affected within three days after receiving such notice.

Sec. 4. *Vote required to expel.*—When a member shall be presented by the order of the Board of Directors he may be expelled by the affirmative vote of a majority of all the votes cast on the question. When a member shall be presented through a notification signed by five members and without the order of the Board of Directors, he may be expelled

only by the affirmative vote of four-fifths of all the members.

Sec. 5. *Readmission.*—A member who has been expelled shall be eligible for readmission only upon the terms and conditions applicable to new members.

Article XII

Bonds

Section 1. *Right to issue bonds.*—This Corporation shall have power to borrow money, and to make and issue bonds as evidences of indebtedness therefor, and to secure the same by mortgage upon its property; provided that such bonds shall not be issued to an amount exceeding the aggregate sum of $150,000.

Sec. 2. *How Issued.*—The Board of Directors, at any regular meeting or at any special meeting called for that purpose, may authorize the execution and issue of such bonds in such amounts not exceeding the aggregate principal sum of $150,000, to such persons, including themselves, payable at such times and with such rate of interest and in such form as it may deem advisable *provided*, that every bond so issued shall contain a provision that the Corporation shall have the right to redeem the same at its face value, with the interest due or accrued thereon, whenever it shall come into the possession of any one not a member of this Corporation. And it shall be the duty of the Board of Directors, whenever bonds are presented for registration in the name of any one not a member of this Association, to exercise the right of redemption herein provided for and pay for such bonds out of any funds in the Treasury available for the purpose or out of an assessment to be levied upon members in proportion to the weekly assessment paid by them. The Board of Directors may make such provisions for the registration [fol. 80] of such bonds as it may deem best. The Board of Directors may also authorize the execution of a mortgage upon the property of the Corporation to secure the payment of such bonds.

Sec. 3. *Voting power of bonds.*—The registered owner and holder of any such bonds may file with the Secretary a waiver of any claim to interest on the bonds held by him, and he shall thereupon become entitled at any meeting of

the members of this Corporation for the election of Directors to cast one vote, either in person or by proxy, for Directors upon each $25 of such bonds registered in his name for not less than twenty days prior to such meeting, provided that no bondholder shall have the right to vote upon more than $1,000 of said bonds, and shall not have the right to vote on any bond that shall have been called for redemption at any time before such election.

Article XIII

Publication

Section 1. *What constitutes.*—The publication required to be made by every member shall be that of a *bona fide* newspaper, continuously issued, as specified in the membership certificate, to a list of genuine paid subscribers. A publication conducted for the purpose of preserving a membership, and not for public sale and distribution, shall not be or be regarded as a sufficient compliance with the By-Laws. The irregular publication of his newspaper shall be sufficient ground for suspension of a member, in the discretion of the Board of Directors.

Sec. 2. *Six or seven-day publication optional.*—A membership certificate which authorizes publication on seven days in a week shall be held to be fully complied with by publication on six days, and such cessation of publication on one day shall not affect the member's right to receive and publish the news service on seven days whenever he may elect to do so.

Article XV

Disclaimer of Liability

Section 1. *No Right for Damages.*—Neither the Corporation nor its officers nor Directors nor any of them shall in any event be liable to a member for any loss or damage arising by reason of the publication of any of the news received by him from the Corporation, or by reason of his suspension or expulsion, and his signature to the roll of members and assent to the By-Laws shall constitute a waiver of any such claim.

[fol. 81] Article XVI

Amendments to By-Laws

Section 1. *How Amended.*—These By-Laws may be amended only by the Board of Directors at any regular meeting of said Board by an affirmative vote of two-thirds of all the Directors of the Corporation, but no amendment shall become operative or take effect until the same shall have been recommended or ratified by a vote of four-fifths of all the members of the Corporation at a meeting, regularly convened.

[fol. 82] Exhibit D

Statement of Changes in the By-Laws of the Associated Press Made Between September 19, 1900, and April 20, 1942[1]

Article I

Objects

Par. 2. The declaration of the objects and purposes of the Corporation was broadened to include the gathering and furnishing to members of all kinds of "pictures," in addition to all kinds of "information and intelligence." (*1931*)

Par. 2. The declaration of the objects and purposes of the Corporation was broadened so as to include the gathering of "any and all kinds of news, information and intelligence; literary property of all kinds including that which is informative, educational or otherwise of public

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[1] This statement does not refer to changes in language made merely for the purpose of clarifying the meaning, such as many of the changes made when the by-laws were completely revised in 1931. It also does not set forth relatively trivial changes in substantive provisions. Where a substantive change is shown under a particular section or sections, the statement does not refer to changes in other sections made merely to bring them into conformity with such substantive change.

The year in which each change was made is shown in italics at the end of each paragraph

interest; news pictures, pictorial news and art of any and all kinds." The declaration of purposes was also broadened to include furnishing the foregoing both to members and to "others entitled to the use thereof under and subject to such regulations and conditions as may be prescribed by these By-Laws." (*1941*)

Article II

Membership

Section 1. Membership was limited to the "sole owner" of a newspaper, whereas previously a "part owner" of a newspaper or an "executive officer" of a corporation or other company or association owning a newspaper had been eligible for membership. (*1931*)

Section 1. Members, who theretofore had been all of one class, were divided into two classes, regular and associate. Associate members were denied any voting rights, right of protest, or the right to vote on bonds of the Corporation. It was providing that all existing memberships were to be deemed regular memberships. The Board of Directors was authorized, upon application by a member, to change a membership from regular to associate or from associate to regular. (*1937*)

[fol. 83] Sec. 3. The provision that membership should cease when a member ceases to be the owner of the newspaper specified in the certificate of membership was supplemented by providing that membership should also cease if the newspaper represented by membership stopped "regular publication." It was also provided that if the newspaper represented by membership ceases regular publication or if the successor to the ownership of the newspaper shall not become a member, the former owner whose membership has terminated shall pay to the Corporation a sum equal to as many weeks' assessment, not exceeding 104, as the Board of Directors may specify. (*1931*)

Article III

Admission of Members

Section 1. A new provision was adopted that no application for membership shall be voted on at a membership meeting unless the application shall have been filed with

the Corporation at least 60 days prior to such meeting. The secretary of the Corporation was also directed to give notice by mail to each member at least 30 days prior to any meeting of members of all applications for membership to be voted on at such meeting. (*1923*)

Sec. 5 (*new*). This new section provides that when the owner of a newspaper elected to membership is not an individual, the owner shall file with the Corporation, in writing, authority for an individual to represent the owner in all matters specified in the by-laws, except resignation of membership. The section also provides that if an owner has membership for more than one newspaper, he shall designate a separate individual for each such newspaper. Each individual so designated is declared to be eligible to election as an officer or director of the Corporation. (*1931*)

Sec. 5. Renumbered Section 6. (*1931*)

Sec. 6. This section (renumbered Section 7 in 1931) was amended to read as follows:

> Each member of this Corporation representing a newspaper printed in the English language, which has been represented in membership for more than five years in continental United States and entitled under such membership to receive a news service six or seven days a week, and upon whom no right of protest had been conferred in the year 1900, shall have the right of protest as defined herein against the election of new members by the Board of Directors. Such right of protest shall, except as provided in Section 2 of this Article, empower the member holding it to demand a vote of the members of the Corporation on all applications for the admission of new members on behalf of newspapers published in the same field (morning or afternoon), on the same days and in the same city wherein any newspaper represented by membership [fol. 84] entitled to such right of protest herein conferred is regularly published, provided, however, that a member representing an evening newspaper, the membership of which includes the right to a news service for a Sunday morning edition, shall not be entitled to protest against the election of a member representing a morning newspaper.

No application for admission to membership in a field where a protest right granted under the terms of this Section is not waived shall be admitted as a member except in accordance with Section 1 of this Article. Members upon whom rights of protest were conferred in the year 1900 shall continue to enjoy such rights of protest only as are defined in their certificates of membership, with such waivers as may have been subsequently given. (*1928*)

Sec. 7. Renumbered Section 8 in 1931.

Article IV

Meeting of Members

Section 1. The time of the annual membership meeting was changed from the third Wednesday in September to the Tuesday preceding the fourth Thursday in April and was later changed to the Monday preceding the fourth Thursday in April. (*1907, 1931*)

Article V

Board of Directors

Section 1. One Director, instead of two, was required to be a resident of the State of New York. (*1919*)

Section 1. The number of Directors was increased from 15 to 18. It was provided that each of the three additional Directors shall own or represent a newspaper which is published in a city of less than 50,000 population and which is not owned or controlled by, or affiliated with, any newspaper or owner of a newspaper published in a city of more than 50,000 population. It was provided that the Directors representing newspapers in cities of less than 50,000 shall be chosen by separate nomination and vote; and their terms of office were so arranged that one would expire each year. (*1936*)

Sec. 9. The end of the Corporation's fiscal year was changed from June 30th to December 31st. (*1907*)

Article VI

Officers

No material change.

[fol. 85]

Article VII

Rights and Privileges of Members

Sec. 6. Changes were made in the time limits for the receipt and publication of news by members, as to both morning and afternoon papers. (*1915, 1941*)

Sec. 7. The original provision, that membership shall terminate, if the Directors have refused to grant permission to withdraw, six months after the member gives the Corporation notice of withdrawal, was changed so as to make membership terminate, under these circumstances, two years after giving notice of withdrawal. The earlier and later provision each required payment of all dues and assessments to the date of final withdrawal. (*1928*)

Sec. 7. It was provided that in the event that a member continued to take and publish the news service and pay the assessments therefor after the expiration of such two-year period the notice of intention to withdraw should be deemed to have been waived and membership would continue as if such notice had not been given. (*1936*)

Article VIII

Duties and Obligations of Members

Sec. 4. Omitted in the 1931 revision.

Sec. 5. Renumbered Section 4 in 1931.

Sec. 6. Renumbered Section 5 in 1931.

Sec. 7. Repealed in its entirety. (*1915*)

Sec. 8. There was added to this section (renumbered Section 6 in 1931) a proviso that associate members may furnish to nonmembers any news which they are required by the by-laws to furnish to the Corporation. (*1937*)

Sec. 9. Renumbered Section 7 in 1931.

Sec. 10. Renumbered Section 8 in 1931.

Article IX

Apportionment of Expenses

Sec. 2. The provision that service to any member shall be suspended if he fails to pay any overdue weekly assessment

within two weeks after the Corporation gives notice of default was supplemented by providing that where service is suspended because of such default the member shall lose all rights and privileges of membership and shall immediately pay assessments for a period of 104 weeks from time of discontinuance of service, except that the Board of Directors may, in its discretion, restore membership rights and privileges and refund or waive any part of such payment. (*1936, 1937*)

[fol. 86]

Article X

Fines, Suspensions, etc.

No material change.

Article XI

Expulsion of Members

No material change.

Article XII

Bonds

Section 1. The maximum authorized bond issue was changed from $150,000 to $500,000. (*1928*)

Article XIII

Publication

No material change.

Article XIV

Disclaimer of Liability

No material change.

Article XV

Amendments to Bylaws

No material change.

[fol. 87] EXHIBIT E

The By-Laws of the Associated Press
As Amended April 20, 1942

Article I

Objects

The members of this corporation are certain individuals, corporations, partnerships, limited liability companies, joint stock and other associations united in a mutual and cooperative organization. Other individuals, corporations, partnerships, limited liability companies, joint stock and other associations from time to time may be elected to membership, either regular or associate, in the manner and upon and subject to such conditions, regulations and limitations as may be prescribed by these By-Laws of the corporation, and no individuals, corporations, partnerships, limited liability companies, joint stock or other associations not so elected shall have any right or interest in the corporation.

The objects and purposes for which the corporation is formed are to gather, obtain and procure, by its own instrumentalities, by exchange with its members and others, and by any other appropriate means, any and all kinds of news, information and intelligence; literary property of all kinds including that which is informative, educational or otherwise of public interest; news pictures, pictorial news and art of any and all kinds and to furnish and supply the same to its members and others entitled to the use thereof under and subject to such regulations and conditions as may be prescribed by these By-Laws and the mutual cooperation benefit and protection of its members. In furtherance of its said objects and purposes, the corporation shall have power to purchase and acquire in the State of New York, and elsewhere such real and personal estate and property as may be necessary or proper, and to mortgage the same to secure the payment of any bonds which may be issued by the corporation, and generally to do any and all things which may be necessary or proper in connection with its objects and purposes, which may not be contrary to law.

The corporation is not to make a profit nor to make or declare dividends.

[fol. 88] Article II

Membership

Section 1. (a) There shall be two classes of members, to wit, regular members who shall have all the rights and privileges hereinafter specified; associate members who shall have only the rights and privileges hereinafter specifically set forth and shall not have any voting rights, or the right to vote on bonds of the Corporation. Unless otherwise specified, when the term member or members is herein used, it shall include both regular members and associate members, but the rights and privileges of such member shall depend on whether he is a regular member or an associate member. All memberships existing on April 19, 1937, shall be deemed regular memberships.

(b) The sole owner of a newspaper whether an individual or corporation, partnership, limited liability company, or joint stock or other association, shall be eligible to election as a member of this Corporation, in the way and upon and subject to the conditions and limitations hereinafter specified. No others shall be eligible.

(c) Upon application by a member the Board of Directors shall have authority to change his or its membership from regular to associate membership, and to restore an associate membership to regular membership.

Sec. 2. Every applicant for membership in this Corporation shall file with the Secretary of the Corporation such proof as may be required by its Board of Directors of his or its sole ownership of a specified newspaper, describing the "field" in which the applicant's newspaper is published (i. e. morning, afternoon, Sunday and/or weekly.) The application shall state whether it is for regular or associate membership.

Sec. 3. In case (a) any member shall cease to be the owner of the newspaper specified in his or its certificate of membership, or (b) the newspaper represented by membership ceases regular publication, he or it shall *ipso facto* and without action by this Corporation, cease to be a member, and shall no longer enjoy any of the privileges of the Corporation; but if the newspaper represented by membership ceases regular publication or if the successor to the ownership of such newspaper shall not qualify and

be admitted to membership, on behalf of such newspaper, the former owner whose membership is thereby terminated shall pay to this Corporation the equivalent of as many weeks assessment as the Board of Directors of this Corporation may specify, except that he or it shall not be required to pay in excess of the sum of the assessments for one hundred and four (104) weeks, the computation to be based upon the rate of the weekly assessment at the time the retiring member's ownership ceases, or at the time the newspaper ceases regular publication. Such retiring owner may, however, (provided that such member is not then under process of discipline for violation of any by-law, [fol. 89] rule or regulation of the Corporation) assign his or its certificate of membership to the succeeding owner of such newspaper, and such succeeding owner shall thereupon become a member of the same class as the predecessor upon signing the roll of members, and assenting to the By-Laws, and, even without such assignment, such succeeding owner, thereupon shall become entitled to membership of the same class as the predecessor, and upon filing certificate of satisfactory proof of ownership, and upon signing the roll of members, and assenting to the By-Laws, such owner shall at once become and be a member of the same class as the predecessor, with all the privileges and subject to all the duties of membership, provided, however, that the predecessor was not, at the time when such predecessor ceased to be a member, under any process of discipline for violation of any by-law, rule or regulation of this Corporation. When such succeeding owner shall have thus fully qualified as herein specified, such former owner shall thereupon cease to be liable for the assessments specified herein.

Sec. 4. When a change shall be made in the ownership of any newspaper for which a member of this Corporation is entitled to receive a news service, the member may transfer his or its certificate of membership with his or its newspaper, and the new owner shall be constituted a member of the same class as the predecessor by virtue of such assignment upon complying with the requirements prescribed by the next succeeding article of these By-laws.

Sec. 5. Whenever the name of any newspaper mentioned in any membership certificate shall be changed in any respect, the member holding such certificate shall thereupon give written notice of the change to the Secretary and shall

return the certificate of membership to be cancelled, whereupon a new certificate in like terms shall be issued, designating the newspaper by its new name.

Sec. 6. All rights and interest of any member in the property and privileges of the Corporation shall cease with the termination of his or its membership.

Sec. 7. Every member shall be eligible to election and to enjoy the privileges of membership, solely by virtue of his or its ownership of the newspaper named in his or its certificate of membership, and shall be held responsible for any violation of the Bylaws by himself or itself or by any other person connected with such newspaper to the same extent that he or it would have been responsible had the violation been committed by him or it personally.

Article III

Admission of Members

Section 1. An owner of a newspaper, as defined in Article II, Section 1, subdivision (b) of these Bylaws, may be elected to membership by the affirmative vote of not less than the majority of the regular members of the Corporation [fol. 90] voting on the application, in person or by proxy, at any regular meeting of the members of the Corporation, or at a special meeting called for that purpose, but where there are one or more existing memberships in the field (morning, evening, or Sunday) in the city in which an applicant has been so elected, he or it shall not be admitted to membership or become a member until he or it shall have complied with the requirements of the next succeeding section of this article. No vote shall be taken at any regular or special meeting of the members of the Corporation upon any application for membership unless the same shall have been filed with the Secretary at least sixty days prior to such meeting, and it shall be the duty of the Secretary to give notice by mail to each regular member of the Corporation at least thirty days prior to such regular or special meeting of any and all applications for membership which are to be voted on thereat.

Sec. 2. An applicant for membership elected, as provided in Section 1 hereof, shall not be admitted to membership

or become a member, where there are one or more existing memberships in the field (morning, evening or Sunday) in the city in which the applicant has been elected, until

(a) The applicant shall pay to this Corporation a sum equal to ten (10%) per cent of the total amount of the regular assessments received by the Corporation from members in the field (morning, evening or Sunday) in the city in which the applicant has been elected to membership, during the period from October 1, 1900, to the first day of the month preceding the date of the election of the applicant, provided, however, that such payment shall in no case be less than three times the current annual regular assessments, and,

(b) The applicant shall relinquish any exclusive right that be or it may have, by contract or otherwise, to any news or news picture services that are being made available to the applicant at the time of the filing of his application for membership, by any other person, firm or corporation, and, when requested to do so by any member or members in the field in the city in which the applicant has been elected to membership, the applicant shall require the said news or news picture services, or any of them, to be furnished to such member or members, upon the same terms as they are made available to the applicant.

The moneys payable to the Corporation by an applicant for membership, as herein provided shall be paid over by the Treasurer of the Corporation to the member in the Field in the city in which the applicant is elected, and where there is more than one member in such field, the moneys so paid shall be distributed among such members in proportion to the regular assessments paid by them over the period from October 1, 1900. The member or members entitled to receive the moneys so payable, or a portion thereof, may waive, individually, the payment of such moneys, [fol. 91] or portion thereof, in which event the amount payable by the applicant, as hereinbefore provided, shall be reduced by the amount of the payment so waived.

Sec. 3. Applicants for membership may also be elected by the Board of Directors, when no meeting of the members of the Corporation is in session, in a field in a city where

there is no existing membership at the time the application is filed. The Board of Directors may also elect applicants for membership, when no meeting of the members of the Corporation is in session, in a field in a city where there are one or more existing memberships at the time the application is filed, provided that such member or members in such field and city shall have waived the payment, in whole or in part, of the moneys payable to them as provided in Section 2 of this Article.

Sec. 4. When any owner shall have ceased to be a member and his or its successor shall have become entitled to membership as provided in the last preceding article, such successor, upon filing with the Secretary proper proof that he or it is entitled to membership, and signing the roll of members and in writing assenting to the By-Laws, shall forthwith become and be a member of the same class as the predecessor, and be entitled to all the privileges and subject to all the duties and obligations of such class of membership, and the Board of Directors at the next meeting held thereafter shall formally elect such successor and ratify his or its admission as a member.

Sec. 5. An owner elected or entitled to become a member in any of the ways hereinbefore provided, shall not be admitted to membership, nor be a member, nor be entitled to any of the rights or privileges of membership until, either in person or by proxy duly signed in writing, he or it shall have signed the roll of members and in writing shall have assented to the By-Laws and agreed to be bound thereby and by any amendments thereto, which may be thereafter regularly adopted. Such signing of the roll of membership in person or by proxy, by such owner of a newspaper who has been elected to membership, shall evidence such owner's full acceptance, assent and agreement to these By-Laws and as they may be amended from time to time; and such signature shall establish the contract between such owner and this Corporation, the By-Laws of this Corporation and any amendments thereof constituting and being the terms and conditions of said contract.

Sec. 6. When the owner of a newspaper elected to membership in this Corporation shall have conformed with Section 5 hereof, such owner shall thereupon, if such owner be not an individual, file with the Secretary of this Corpo-

ration in writing, in such form as the Board of Directors of this Corporation may require, authority for an individual, to be named by such owner, to represent the owner in all respects specified in these By-Laws, except that he shall not have authority to resign the membership held by such owner. If an owner has membership for more than one [fol. 92] newspaper he shall designate a separate individual for each such newspaper. Until his successor shall have qualified, each such individual shall be eligible to attend the meetings of the Corporation in person or by proxy; and, if a representative of a regular member, in person or by proxy cast the vote or votes to which such owner is entitled, and be eligible to election as an officer or director of the Corporation, and to serve on committees. Representatives of regular and associate members shall continue to be eligible to serve as and for the owner only until such owner shall have, in the manner specified herein, designated their successors. In case the sole owner is an individual he shall in all respects serve as the member in person or by proxy, or, if he chooses so to do, he may designate an individual to serve for him in person or by proxy as specified herein.

Sec. 7. For each newspaper which is entitled to the news service of this Corporation there shall be issued to the owner a certificate of membership signed by the President and by the Secretary of this Corporation, and bearing its seal. The certificate shall designate the newspaper for which the owner shall be entitled to receive the news report of this Corporation, until such owner shall cease to be a member or until such owner's right shall be suspended or terminated under the By-Laws; it shall specify the language in which the newspaper is to be printed; whether it is a morning, afternoon, Sunday or weekly newspaper, and the place of its publication; it shall state whether the member is to receive a day or a night report; it shall state the obligation of the member to furnish the news of a prescribed district, and to pay the regular weekly dues and other assessments as they may be, from time to time, fixed by the Board of Directors; it shall state that the holder thereof has assented to and is in all respects subject to and bound by the By-Laws; in other respects it shall be in such form and shall contain such provisions as shall be prescribed by the Board of Directors; it shall not be transferable except to the extent and in the way hereinbefore pro-

vided. If the certificate is issued after April 19, 1937, it shall also state the class of membership.

Article IV.

Meeting of Members

Section 1. The annual meeting of the members of The Associated Press shall be held in the City of New York, at eleven o'clock A. M. on the Monday preceding the fourth Thursday in April of each year, for the election of Directors and such other business as may be presented.

Sec. 2. Special meetings of the members shall be called by the President and Secretary upon the order of the Board of Directors or the Executive Committee, or whenever a request in writing therefor shall be received by the Secre- [fol. 93] tary bearing the signatures of fifty of the regular members of the Corporation. No business shall be transacted at a special meeting except such as may be embraced in the call therefor.

Sec. 3. The Secretary shall give notice of all meetings of the members by mailing to each regular member at his or its given address a written or printed notice stating the time and place of meeting, and the business to be considered, if a special meeting. Such notices shall be mailed thirty days before the annual meeting, and fifteen days before special meetings. Special meetings may, however, be held for any purpose, without notice, at any time when all the regular members are present or duly represented by proxy.

Sec. 4. A member may be represented at any meeting either by the individual regularly designated by the member as specified in Article III, Section 6, or by such individual's properly authorized proxy; or, if the member himself be an individual, he may be represented by a properly authorized proxy. Such proxies shall file a lawful power of attorney with the Secretary. No salaried officer or employee of this Corporation shall hold a proxy or vote upon it.

Sec. 5 To constitute a quorum for the transaction of business, at least a majority of the regular members must be present either in person or by proxy, except as other-

wise provided by law: A minority may adjourn from time to time until a quorum shall be present.

Article V

Board of Directors

Section 1. The affairs of the Corporation shall be managed by eighteen Directors, at least one of whom shall be a resident of the state of New York. At least three of such Directors shall each own or represent a newspaper published in a city of less than 50,000 population according to the last United States census, which newspaper shall not be owned, controlled or operated by, or affiliated with, any newspaper or owner of a newspaper published in a city of more than 50,000 population.

Candidates for the office of Director resident in the state of New York, and candidates for the office of Director owning or representing a newspaper published in a city of less than 50,000 population, shall be separately nominated and separate ballots shall be cast for such offices.

Sec. 2. Each Director shall be an individual owner of a regular member newspaper or an individual regularly designated by a regular member, as specified in Article III, Sec. 6, and any Director who shall cease to be so qualified shall thereby cease to be a Director.

Sec. 3. At each annual meeting the regular members and those entitled to vote upon bonds, as hereinafter provided, shall elect six Directors to succeed the six whose terms ex- [fol. 94] pired at such meeting, and also fill any vacancies in the Board of Directors which may have occurred since their last annual meeting. At each annual meeting, the Directors elected to fill the places of those whose terms have expired, shall be elected for a term of three years, and Directors shall in all cases continue in office until their successors are elected provided that no director shall be elected to hold office for more than three consecutive terms, served after April 20, 1942, unless during his term of office as director he shall have served as president of the Corporation.

Sec. 4 The Board of Directors shall, in addition to the powers elsewhere granted by the By-Laws, or otherwise conferred by law, have the power to make contracts; to

fill vacancies in their own number until the next annual meeting; to elect and remove officers and agents; to engage and discharge employees; to fix the compensation of officers, agents and employees; to borrow money; to issue bonds; to authorize a mortgage or mortgages in conformity with law; to expend the money of the Corporation for its lawful purposes, and to do all acts not inconsistent with the Certificate of Incorporation, or the By-Laws, which it may deem for the best interests of the Corporation, and in general shall have the control and management of all the affairs of the Corporation, except as otherwise provided in the By-Laws. The votes of a majority of all the Directors shall be required to elect or remove an officer.

Sec. 5. The Board of Directors shall annually appoint an Executive Committee of not less than five of its own number, who shall hold office for one year or during the pleasure of the Board and shall have the same powers as the Board except the powers in respect to the election and discipline of members as specified in Articles III and X of these By-Laws. The Executive Committee shall keep a full record of its acts and proceedings, and report all action taken by it to the next meeting of the Board. Vacancies therein shall be filled by the Board of Directors.

Sec. 6. The Board of Directors shall annually appoint an auditing committee of not less than two persons, not of its own number, to examine the accounts of the Corporation.

Sec. 7. The Board of Directors from time to time may, by resolution, appoint other committees for special purposes designating their duties and powers.

Sec. 8. The Board of Directors shall make a report of the affairs of the Corporation for each fiscal year, a copy of which shall be sent to each member at least twenty days prior to each annual meeting. Such fiscal year shall end on December 31st in each year. The Board of Directors shall also cause to be mailed to each member a report of the proceedings of each meeting of the Corporation and of the Board of Directors as soon after the holding of such meeting as practicable.

Sec. 9. The Board of Directors shall have power to adopt a corporate seal and alter the same at its pleasure.

[fol. 95] Sec. 10. The Board of Directors shall hold, at the City of New York, a meeting on the Friday preceding the annual meeting of the members, and also another meeting for the election of officers and for other purposes, immediately after adjournment of the annual meeting of the members. It shall fix, by resolution from time to time, the dates of the other regular meetings of the Board, of which there shall be not less than two, in every year, in addition to the two herein provided for. Special meetings of the Board may be called by the President or any three Directors. Notice of all meetings shall be given by telegraphing or by mailing a notice thereof to each Director at least five days before the date of the meeting, which notice shall be sent either by the Secretary, the President or the Directors calling the meeting. A majority of the Board shall constitute a quorum, but in case a quorum shall not be present a minority may adjourn from time to time until a quorum shall be obtained. The meetings of the Board of Directors—except as hereinbefore provided—shall be held either in the City of New York, or elsewhere, as may be specified in the resolutions of the Board fixing the dates of regular meetings, and in the notices calling special meetings.

Sec. 11. The Board of Directors, from time to time, by resolution may provide for all matters in respect to which no provision is made by these By-Laws.

Article VI

Officers

Section 1. The officers of the Corporation shall be a President, a First Vice President, a Second Vice President, a Secretary, an Assistant Secretary, and a Treasurer, who shall be elected annually by ballot by the Board of Directors at its first meeting after the annual meeting of members. The Directors, from time to time, may appoint other officers with such duties as the Board may fix. The President shall be selected from among the Directors; the Vice Presidents shall be selected from individual owners in the regular membership of the Corporation or from individuals designated by a regular member as specified in Article III, Sec. 6; the other officers need not be so qualified.

Sec. 2. All officers shall hold their respective offices for one year after their election and until their successors are

elected and qualified, unless removed by the Board of Directors.

Sec. 3. The President shall preside over all meeting of the members and Board of Directors at which he may be present, and shall exercise general supervision and control over the affairs of the Corporation, subject to the direction of the Board.

Sec. 4. It shall be the duty of the First Vice President, in case of the absence of the President, or his inability to act, to exercise all his powers and discharge all his duties; in case of the absence or disability of both the President and [fol. 96] First Vice President, it shall be the duty of the Second Vice President to exercise all the powers and discharge all the duties of the President; and in the case of the absence or disability of the President, the First Vice President and the Second Vice President, a President *pro tempore* shall be chosen by the Board.

Sec. 5. The Secretary shall attend all meetings of members, of the Board of Directors and of the Executive Committee, and shall keep a true record of the proceedings thereof; he shall cause to be kept in the office of the Corporation all contracts, leases, assignments, other instruments in writing, and documents not properly belonging to the office of Treasurer; the Secretary or Assistant Secretary shall execute all certificates of membership, bonds, contracts and other instruments authorized to be made or executed by or on behalf of the Corporation; provided, that all instruments requiring the corporate seal shall also be executed by one other officer of the Corporation. The Secretary shall also perform such other duties as may be assigned to him by the Board of Directors.

Sec. 6. It shall be the duty of the Assistant Secretary, in case of the absence of the Secretary, or his inability to act, to exercise all his powers and discharge all his duties.

Sec. 7. The Treasurer shall receive all moneys of the Corporation, safely keep the same, and pay out such sums as may be authorized by the Board of Directors. He shall give a bond in such amount as the Board may require.

Sec. 8. The officers may receive such compensation as may from time to time be prescribed by the Board of Directors.

Article VII

Rights and Privileges of Members

Section 1. At all meetings of the members of the Corporation, each regular member may cast one vote by virtue of his or its membership, and such additional votes as he or it may be entitled to cast as the holder of bonds issued by the Corporation. Associate members may attend such meetings, but shall have no voting rights.

Sec. 2. Each member shall be entitled, upon compliance with the provisions of the By-Laws, to receive a service of news for the purpose of publication in the newspaper specified in such member's certificate of membership and for that purpose only. The nature and extent of the news service to be so received by the member shall be determined by the Board of Directors, upon the member's admission, and the initial dues or assessment shall be fixed at the same time and by the same authority, subject, however, to change as hereinafter provided in Article IX.

Sec. 3. The nature and extent of the news service to any member may be changed from time to time by the Board of Directors; *provided* that this section must not be construed [fol. 97] to give the Board of Directors authority to omit the news service to any member except for cause as provided in these By-Laws.

Sec. 4. The news service of this Corporation shall be furnished only to the members thereof, or to newspapers owned by them and specified in their certificates of membership.

Sec. 5. A member shall publish the news of The Associated Press only in the newspaper, the language, and the place specified in such member's certificate of membership and shall not permit any other use to be made of the news furnished by the Corporation to the newspaper which such member owns. Only the place specified in the certificate of membership shall appear in the title, name or heading of the newspaper wherein the news of The Associated Press is published.

Sec. 6. The time limits for the receipt and publication of news by members shall be (Standard Time in all cases at the place of publication) as follows: Morning papers to re-

ceive not later than 9 A. M. and to publish not earlier than 7 P. M., except that for editions to be circulated only outside of the city of publication not earlier than the following morning, morning papers may publish not earlier than 5 P. M.; afternoon papers to receive not later than 7 P. M. and to publish not earlier than 9 A. M.; provided that the Board of Directors may authorize that upon extraordinary occasions The Associated Press dispatches may be used in extra editions or for bulletins outside of the hours named.

Sec. 7. By the vote of a majority of the Board of Directors, a member may be permitted to withdraw from membership upon payment of all dues, assessments and other obligations, and upon the surrender and cancellation of such member's certificate of membership and upon such other terms as the Board of Directors may fix. If any member shall apply for permission to withdraw from membership in The Associated Press to the Board of Directors, and the same shall be refused, such member may nevertheless give written notice to the Secretary of intention to withdraw, and two years after the date such last named notice shall have been received, and upon payment of all assessments and other obligations to the date of final withdrawal, such membership shall terminate, but until the expiration of said two years, unless the membership is sooner terminated by vote of a majority of the Board of Directors as specified herein, the member shall continue to take and publish the news service of the Corporation, and pay assessments in the manner specified in these By-Laws and in all respects comply with these By-Laws, and failure so to do in any particular shall thereupon cause the membership to terminate and the assessments for a period of one hundred and four (104) weeks immediately to become due and payable in one aggregate sum, the computation thereof to be based upon the rate of the weekly assessment in effect at the time of the refusal of the Board of Directors to accept the member's application for permission to withdraw, and the said period of 104 weeks also to be computed from that time. In [fol. 98] the event that the member continues to take and publish the news service of the Corporation and pay the assessments therefor after the expiration of said period of 104 weeks, such member shall be deemed to have waived his or its notice of intention to withdraw and the membership

shall *ipso facto* continue with the same force and effect as if no notice of intention to withdraw had been given.

Sec. 8. No news furnished to the Corporation by a member shall be supplied by the Corporation to any other member publishing a newspaper within the district which the Board of Directors shall have described in defining the obligations of such member to furnish news to the Corporation.

Article VIII

Duties and Obligations of Members

Section 1. Each member shall comply with all the provisions of the By-Laws and such amendments as may be adopted from time to time.

Sec. 2. During the term of membership or until the right to the receipt of the news report of this Corporation shall be terminated in the manner her-inafter provided for, each member shall pay all dues, assessments and other obligations as the same may be fixed and apportioned by the Board of Directors.

Sec. 3. Each member shall take the news service of the Corporation and publish the news regularly in whole or in part in the newspaper named in the Certificate of Membership. Each member shall also promptly furnish to the Corporation, through its agents or employees, all the news of such member's district, the area of which shall be determined by the Board of Directors.

Sec. 4. The news which a member shall furnish as herein required shall be all such news as is spontaneous in its origin, but shall not include any news that is not spontaneous in its origin, or which has originated through deliberate and individual enterprise on the part of such member of the newspaper specified in such member's certificate of membership.

Sec. 5. No member shall furnish, or permit anyone in his or its employ or connected with the newspaper specified in his or its certificate of membership to furnish, to any person who is not a member, the news of the Corporation in advance of publication, or to another member any news received from the Corporation which the Corporation is itself debarred from furnishing to such member, nor conduct

his or its business in such a manner that the news furnished by the Corporation may be communicated to any person, firm, corporation, or association not entitled to receive the same.

Sec. 6. No member shall furnish, or permit anyone to furnish to anyone not a member of this Corporation, the news which he or it is required by the By-Laws to supply to this [fol. 99] Corporation or which he or it obtains from the Corporation or from any other member by virtue of his membership. Provided, however, that associate members may furnish or permit to be furnished to non-members any news which they are required by the By-Laws to furnish to the Corporation.

Sec. 7. Members shall print in their newspapers such credit to the Corporation, or to any paper or other source from which news may be obtained, as shall be required, from time to time, by the Board of Directors.

Sec. 8. No member shall anticipate the publication of any document of public concern, confided to this Corporation for use on a stipulated date, however said member may have secured said document.

Article IX

Apportionment of Expenses

Section 1. The cost of collecting, exchanging and transmitting the news service, as well as all other expenses of the Corporation, shall be apportioned among the members by the Board of Directors, in such manner as it may deem equitable, and the Board shall levy assessments upon the members therefor. The Board of Directors may change such apportionment and assessment, from time to time and may also levy assessments upon the members in order to accumulate a surplus fund for emergency purposes, provided that any increase of assessment exceeding 50 per cent, shall require the affirmative vote of two-thirds of all the Directors. There shall be no right to question the action of the Board of Directors in respect to such apportionment or assessments, either by appeal to a meeting of members, or otherwise, but the action of the Directors, when taken, shall be final and conclusive.

Sec. 2. All regular assessments levied against members shall be payable weekly in advance, and the Treasurer or other authorized agent of the Corporation shall draw on each member therefor. Such assessments shall be paid promptly, and, if any assessment draft shall be unpaid at the end of three days after presentation, a penalty of 10 per cent thereon shall be added thereto, and it shall be the duty of the Secretary or Treasurer thereupon to notify the member in default that the news service will be discontinued at the expiration of two weeks from the date of the notice, unless all overdue assessments and penalties shall have been paid to the Treasurer of the Corporation before that date, and, if the same are not so paid, such news service shall thereupon be discontinued. Where the news service is discontinued because of the member's default in the payment of assessments, the member shall lose all the rights and privileges of membership in this Corporation *ipso facto* and without action by the Corporation and the assessments for a period of one hundred and four (104) weeks from the time the news service is discontinued shall immediately [fol. 100] become due and payable in one aggregate sum, the computation thereof to be based upon the rate of the weekly assessment of the member in effect at the time of the discontinuance of the news service, and the Secretary or Treasurer of the Corporation may draw one draft for the total amount due the Corporation and present it for payment. The Board of Directors of this Corporation at a subsequent meeting may in its discretion restore the rights and privileges of membership and refund or waive any part of such payment.

Article X

Fines, Suspensions, Etc.

Section 1. When the Board of Directors shall decide that a member has violated any of the provisions of the By-laws, it may, by a two-thirds vote of all the Directors, impose upon such member a fine not exceeding one thousand dollars, or suspend such member's privileges of membership or present such member for expulsion as hereinafter provided, or it may both suspend such member's privileges and present such member for expulsion. Before any such action

shall be taken, however, it shall give to the member affected an opportunity to be heard upon ten days' notice in writing of the time and place at which such member will be so heard.

Sec. 2. When the privileges of a membership are suspended, his or its news service shall be discontinued. Any order of suspension may be repealed by the affirmative vote of a majority of the whole Board of Directors.

Sec. 3. The term for which a member may be suspended by the Board of Directors shall not extend beyond the next annual meeting of the members.

Sec. 4. At the expiration of the period for which a member shall have been suspended, or upon the repeal of the suspension as hereinbefore provided for, such member shall again become entitled to receive the news service as called for in such member's certificate of membership, or such member may withdraw from the Corporation upon paying immediately all assessments and other obligations then due or incurred and unpaid, and for such additional term as the Board of Directors of this Corporation may specify, except that he or it shall not be required to pay additionally in excess of the sum of the assessment for a period of one hundred and four (104) weeks beginning the first week after the Board of Directors shall have specified the additional term, the computation of the weekly assessments to be based upon the rate of the weekly assessment of the member in effect at the time suspension is ordered.

Sec. 5. The action of the Board of Directors on any of the foregoing matters mentioned in this article shall be final and conclusive. No member shall have any right to question the same.

[fol. 101]

Article XI

Expulsion of Members

Section 1. The regular members of the Corporation, at any regular meeting, or at a special meeting called for that purpose, shall have the right to expel a member for any violation of these By-Laws, or for any conduct on the part of said member, or on the part of any one in said member's employ or in the employ of or connected with the newspaper designated in the certificate of membership, which in its

absolute discretion it shall deem of such a character as to be prejudicial to the interests and welfare of the Corporation and its members, or to justify such expulsion. The action of the regular members of the Corporation in such regard shall be final and there shall be no right of appeal against or review of such action.

Sec. 2. Before the Corporation may entertain a motion to expel a member there shall be a formal presentation of such member either by the order of the Board of Directors after a hearing as hereinbefore provided, or through a written notification signed by five regular members. The member affected shall have a right to be heard before the motion to expel is put to a vote.

Sec. 3. If a member is to be presented for expulsion without previous hearing by the Board of Directors the notice of presentation shall be filed with the Secretary of the Corporation at least three weeks prior to the meeting of the members at which action is to be taken, and the Secretary shall forward a certified copy to the member affected within three days after receiving such notice.

Sec. 4. When a member shall be presented by the order of the Board of Directors such member may be expelled by the affirmative vote of a majority of all the votes cast on the question. When a member shall be presented through a notification signed by five regular members and without the order of the Board of Directors such member may be expelled only by the affirmative vote of four-fifths of all the regular members.

Sec. 5. A member who has been expelled shall be eligible for readmission only upon the terms and conditions applicable to new members.

Article XII

Bonds

Section 1. This Corporation shall have power to borrow money, and to make and issue bonds, as evidence of indebtedness therefor, and to secure the same by mortgage upon its property; provided that such bonds shall not be issued to an amount exceeding the aggregate sum of $500,000.

Sec. 2. The Board of Directors, at any regular meeting or at any special meeting called for that purpose, may au- [fol. 102] thorize the execution and issue of such bonds in such amounts not exceeding the aggregate principal sum of $500,000 to such persons including themselves, payable at such times and with such rate of interest and in such form as it may deem advisable, *provided,* that every bond, so issued, shall contain the following provisions: that this Corporation shall have the right to redeem the same at its face value, with the interest due or accrued thereon whenever it shall come into the possession of anyone not a member of this Corporation; that it shall be the duty of the Board of Directors, whenever bonds are presented for registration in the name of anyone not a member of this Corporation, to exercise the right of redemption herein provided for and pay for such bonds out of any funds in the Treasury available for the purpose or out of an assessment to be levied upon members in proportion to the weekly assessment paid by them; that if such bonds are not promptly presented for registration by such nonmember holder thereof, the Secretary shall forthwith give notice to the holder that the bond must be presented for redemption, such notice to be mailed by registered letter to the last known address of such holder, and if such bonds are not submitted for redemption within thirty (30) days thereafter, the interest on such bonds shall cease and all liability thereon and any rights thereunder, except to receive the principal amount thereof, shall terminate; that this Corporation may set off against any amount due under the bond any arrearages of assessments which the owner may owe to the Corporation. The Board of Directors may make such provision for the registration of such bonds as it may deem best. The Board of Directors may also authorize the execution of a mortgage upon the property of the Corporation to secure the payment of such bonds.

Sec. 3. The registered owner and holder of any such bonds, if a regular member, may file with the Secretary a waiver of any claim to interest thereon, and shall thereupon become entitled at any meeting of the members of this Corporation for the election of Directors to cast one vote, in person or by proxy, if the owner be an individual, or if the owner be not an individual, then through the individual regularly designated by the owner as specified in Article

III, Sec. 6, or such individual's proxy, for Directors upon each $25 of such bonds registered in such owner's name for not less than twenty days prior to such meeting, provided that no bondholder shall have the right to vote upon more than $1,000 of said bonds for any single membership held by such bondholder and shall not have the right to vote on any bond that shall have been called for redemption at any time before such election.

Article XIII

Publication

Section 1. The publication required to be made by every member shall be that of a *bona fide* newspaper, continuously [fol. 103] issued, as specified in the membership certificate, to a list of genuine paid subscribers. A publication conducted for the purpose of preserving a membership, and not for public sale and distribution, shall not be or be regarded as a sufficient compliance with the By-Laws. The irregular publication of his or its newspaper shall be sufficient ground for suspension of a member, in the discretion of the Board of Directors.

Sec. 2. A Membership Certificate which authorizes publication on seven days in a week shall be held to be fully complied with by publication on six days, and such cessation of publication on one day shall not affect the member's right to receive and publish the news service on seven days whenever the member may elect to do so.

Article XIV

Disclaimer of Liability

Section 1. Neither the Corporation its Officers nor Directors nor any of them shall in any event be liable to a member for any loss or damage arising by reason of the publication of any of the news received by a member from the Corporation or by reason of a member's suspension or expulsion, and the member's signature to the roll of members and assent to the By-Laws shall constitute a waiver of any such claim.

Article XV

Amendments to By-Laws

Section 1. These By-Laws may be amended only by the Board of Directors at any regular meeting of said Board by an affirmative vote of two-thirds of all the Directors of the Corporation, but no amendment shall become operative or take effect until the same shall have been recommended or ratified by a vote of two-thirds of all the regular members of the Corporation present in person or by proxy at a meeting, regularly convened.

[fol. 104] EXHIBIT F

Regular Members of The Associated Press in Continental United States as of March 1, 1942, with Newspapers Represented in Membership and Individuals Designated as AP Representatives of Members.

ALABAMA

Newspaper	Representative	Member
Birmingham Age-Herald	James E. Chappell	The Birmingham News Co.
Birmingham News	Victor H. Hanson	Do.
Decatur Daily	Barrett C. Shelton	Tennessee Valley Printing Co.
Dothan Eagle	Horace Hall	The Dothan Eagle.
Florence Times-News	Lois E. Meeks	The Florence Times.
Gadsden Times	W. S. Mudd	The Gadsden Times Publishing Co.
Huntsville Times	Henry P. Johnston	The Huntsville Times Company.
Montgomery Advertiser	R. F. Hudson	The Advertiser Company.
Montgomery Journal	R. F. Hudson, Jr.	Do.
Opelika Daily News	W. C. Wear	W. C. Wear and W. H. Wilson.
Selma Times-Journal	Mrs. F. T. Raiford	The Selma Times-Journal Publishing Co.
Sheffield Tri-Cities Daily	J. L. Meeks, Jr.	The Tri-Cities Daily.
Troy Messenger	M. N. Dodson	The Troy Messenger, Inc.
Tuscaloosa News	Bruce Shelton	The Tuscaloosa Newspaper Publishing Co.

ARIZONA

Bisbee Review	John M. Ross	Cochise Publishing Company.
Douglas Dispatch	James Logie	Dispatch Publishing Company.
Flagstaff Sun	M. Hutchinson	C. P. Giragi.
Holbrook Tribune News	C. P. Giragi	Do.
Nogales Herald	H. R. Sisk	H. R. Sisk.
Phoenix Phoenix Gazette	W. W. Knorpp	Arizona Publishing Company.
Phoenix Arizona Republic	Charles A. Stauffer	Do.
Prescott Daily Courier	W. P. Stuart	Prescott Courier, Inc.
Tucson Daily Citizen	Wm. H. Johnson	Citizen Publishing Company.
Tucson Arizona Star	Wm. R. Mathews	Star Consolidated Publishing Co.
Winslow Mail	Louis J. Giragi	Giragi Brothers.

ARKANSAS

Camden Evening News	A. Roy Allen	The Camden News Publishing Company.
Conway Log Cabin Democrat	Frank E. Robbins	Conway Printing Company.
El Dorado Daily News	C. E. Palmer	News-Times Publishing Company.
El Dorado Evening Times	Robert T. Hays	Do.
Fayetteville Northwest Arkansas Times.	Mrs. R. W. Fulbright	Fayetteville Democrat Publishing Co.
Fort Smith Southwest American	Donald W. Reynolds	Fort Smith Newspaper Publishing Co.
Fort Smith Times-Record	J. S. Parks	Do.
Helena World & Record	Charles M. Young	The Helena World Publishing Co.
Hope Star	Alex H. Washburn	Star Publishing Company.
Hot Springs New Era	Charles Goslee	Associated Arkansas Newspaper, Inc.
Hot Springs Sentinel Record	Robert S. Dean	Southern Newspapers, Inc.

[fol. 105]

Jonesboro Sun	W. O. Troutt	W. O. Troutt & Sons.
Little Rock Arkansas Democrat	K. A. Engel	Arkansas Democrat Co.
Little Rock Arkansas Gazette	J. N. Heiskell	Gazette Publishing Co.
Magnolia Banner News	Ray Kimball	Banner-News Publishing Company, Inc.

ARKANSAS—Continued

Newspaper	Representative	Member
Malvern Daily Record	J. H. Beerstecher	J. H. Beerstecher.
Paragould Press	Rupert C. Wright	Rupert C. Wright.
Pine Bluff Commercial	E. W. Freeman	E. W. Freeman & Sons.
Russellville Courier Democrat	J. A. Livingston	J. A. Livingston.
Searcy Citizen	M. P. Jones, Jr.	M. P. Jones, Jr. & Jamie B. Jones.
Stuttgart Daily Leader	F. L. Anderson	Grand Prairie Leader, Inc.
Texarkana Daily News	Walter E. Hussman	Texarkana Newspapers, Inc.

CALIFORNIA

Alhambra Post-Advocate	P. E. Ritcha	So. Calif. Ass'd Newspapers.
Bakersfield Californian	Alfred Harrell	Alfred Harrell.
Burbank News-Press	F. M. James	So. Calif. Ass'd Newspapers.
Chico Enterprise	F. J. O'Brien	Enterprise Publishing Co., Inc.
Colton Daily Courier	F. S. Hosfelt	F. S. Hosfelt.
Culver City Star News	William Shea	So. Calif. Ass'd Newspapers.
Eagle Rock News-Press	James S. Copley	Do.
Eureka Humboldt Times	J. H. Crothers	Eureka Newspapers, Inc.
Fresno Bee Republican	H. R. McLaughlin	James McClatchy Publishing Co.
Fresno Bee Republican	Geo. L. Engstrom	Do.
Glendale News-Press	H. C. Burkheimer	So. Cal. Newspapers, Inc.
Grass Valley Union	E. G. Kinyon	Union Publishing Company.
Hermosa Beach Daily Breeze	C. C. Welland	So. Calif. Ass'd Newspapers.
Hollywood Citizen News	Harland G. Palmer	The Citizen News Company.
Laguna Beach South Coast News	Arthur C. Peterson	Arthur C. Peterson.
Lodi Times	George E. Moore	Clifton H. and Geo. E. Moore.
Long Beach Press-Telegram	W. F. Prisk	Press-Telegram Publishing Co.
Los Angeles Examiner	R. A. Carrington, Jr.	Hearst Publications, Inc.
Los Angeles Herald & Express	F. F. Barham	Do.
Los Angeles Times	Norman Chandler	The Times-Mirror Company.
Marysville Appeal Democrat	H. E. Thomas	Marysville Yuba City Publishing, Inc.
Modesto Bee	Harry Conway	James McClatchy Company.
Modesto Bee	William B. O'Shea	Do.
Monrovia News-Post	Charles F. Davis	So. Calif. Ass'd Newspapers.
Oakland Tribune	J. R. Knowland	The Tribune Publishing Company.
Palo Alto Daily Times	George E. Morell	Peninsula Newspapers, Inc.
Pasadena Star-News	Charles W. Paddock	Pasadena Star-News Publishing Company.
Petaluma Argus Courier	J. A. Olmsted	The Olmsted Co., Inc.
Pomona Progress Bulletin	A. T. Richardson	Progress-Bulletin Publishing Co.
Redding Record-Searchlight	Paul C. Bedenhamer	Redding Record, Inc.
Redondo Daily Breeze	John J. Berry	So. Calif. Ass'd Newspapers.
Redwood City Tribune	Dallas E. Wood	Peninsula Newspapers, Inc.
Riverside Enterprise	Howard H. Hays	Enterprise Corporation.
Riverside Daily Press	Harry W. Hammond	Riverside Daily Press, Inc.
Sacramento Bee	Walter P. Jones	James McClatchy Company.
Sacramento Union	Wm. H. Dodge	Sacramento Publishing Company, Ltd.
San Bernardino Sun	James A. Guthrie	The Sun Co. of San Bernardino.
San Bernardino Telegram	Arthur J. Brown	Do.
San Diego Tribune-Sun	F. B. Goodman	The Union-Tribune Publishing Co.
San Diego Union	Arthur K. Whyte	Do.
San Fernando Valley News	Orlando T. Palmer	The Citizen News Company.
San Francisco Call-Bulletin	E. D. Coblentz	Hearst Publications, Inc.

[fol. 106]

San Francisco Chronicle	George T. Cameron	The Chronicle Publishing Co.
Napa Register	Theodore M. Marois	Geo. H. Francis & Theodore M. Marois.

CALIFORNIA—continued

Newspaper	Representative	Member
San Francisco Examiner	William R. Hearst	Hearst Publications, Inc.
San Jose Mercury Herald	Jay O. Hayes	The Mercury Publishing Company.
San Jose News	George H. Payne	Estate of G. Logan Payne.
San Pedro News-Pilot	Clark F. Waite	San Pedro Printing & Publishing.
Santa Ana Register	C. H. Hoiles	Register Publishing Company, Inc.
Santa Barbara News	T. M. Storke	News Press Publishing Company.
Santa Barbara Morning Press	R. G. Fernald	Do.
Santa Cruz Sentinel-News	F. D. McPherson, Jr.	Sentinel Publishing Company.
Santa Monica Outlook	J. D. Funk	Santa Monica Publishing Company.
Santa Rosa Press-Democrat	Ernest L. Finley	Press-Democrat Publishing Company.
Stockton Daily Evening Record	Irving Martin	Stockton Daily Evening Record.
Tulare Advance Register	Percy M. Whiteside	Percy M. Whiteside.
Vallejo Evening News	Robert Letts Jones	Robert Letts Jones.
Visalia Delta Times	M. M. Maddock	The Visalia Publishing Co., Inc.
Venice Evening Vanguard	Robert Henderson	So. Calif. Ass'd Newspapers.
Tulare Times	Mrs. Maxine Whiteside.	Percy M. Whiteside.

COLORADO

Boulder Camera	L. C. Paddock	Boulder Publishing, Inc.
Colorado Springs Gazette and Sunday Gazette-Telegraph.	T. E. Nowels	Gazette & Telegraph Co.
Colorado Springs Telegraph	T. W. Ross	Do.
Denver Post	W. C. Shepherd	Post Printing & Publishing Co.
Durango Herald Democrat	J. H. McDevitt	The Herald Publishing Co.
Fort Collins Express Courier	Earle V. Hitch	Fort Collins Newspapers, Inc.
Fort Morgan Times	R. B. Spencer	R. B. Spencer.
Grand Junction Sentinel	Walter Walker	The Sentinel Publishing & Printing Co.
Greeley Tribune-Republican	Chas. Hansen	The Tribune-Republican Pub. Co.
La Junta Daily Tribune	Charles E. Nelson	La Junta Daily Tribune, Inc.
Leadville Herald-Democrat	Joe McConnell	Joe McConnell.
Longmont Times-Call	Ray Lanyon	Times-Call Publishing Co.
Pueblo Chieftain	Frank S. Hoag, Jr.	The Star-Journal Publishing Corp.
Pueblo Star-Journal	F. S. Hoag	Do.
Sterling Advocate	Allen Biggerstaff	Advocate Publishing Co.
Trinidad Chronicle-News	Jos. G. Wheeler	The Chronicle-News Publishing Co.

CONNECTICUT

Ansonia Sentinel	Howard F. Emerson	The Emerson Bros., Inc.
Bridgeport Post	Geo. C. Waldo, Jr.	The Post Publishing Company.
Bridgeport Telegram and Sunday Post.	Ray Flicker	Do.
Bristol Press	Arthur S. Barnes	Bristol Press Publishing Company.
Danbury News-Times	Frank E. Rollins	The Danbury News-Times Co.
Hartford Courant	Henry H. Conland	The Hartford Courant Company.
Hartford Times	Francis S. Murphy	The Hartford Times, Inc.
Meriden Journal	Frank E. Sands	The Journal Publishing Company.
Meriden Record	Wayne C. Smith	The Republican Publishing Company.
New Britain Herald	Johnstone Vance	Herald Publishing Company.
New Haven Register	John Day Jackson	John Day Jackson.
New Haven Journal-Courier	do	The Carrington Publishing Co.
New London Day	O. G. Andrews	The Day Publishing Company.

[fol. 107]

CONNECTICUT—continued

Newspaper	Representative	Member
Norwalk Hour	Charles E. Kellogg	The Hour Publishing Company.
Norwich Bulletin	William H. Oat	The Bulletin Company.
Norwich Evening Record	Harrison C. Noyes	Do.
So. Manchester Evening Herald	Thomas Ferguson	The Herald Publishing Co., Inc.
Stamford Advocate	Kingsley Gillespie	The Gillespie Bros., Inc.
Torrington Register	George W. Peterson	Torrington Publishing Company.
Waterbury American	E. R. Stevenson	American-Republican, Inc.
Waterbury Republican	William J. Pape	Do.
DELAWARE		
Wilmington Journal & Every Evening.	Henry T. Claus	The News-Journal Company.
Wilmington Morning News	Clement B. Hallam	Do.
DISTRICT OF COLUMBIA		
Washington Post	Eugene Meyer	Eugene Meyer & Co.
Washington Evening Star	Frank B. Noyes	The Evening Star Newspaper Company.
Washington Sunday Star	Newbold Noyes	Do.
FLORIDA		
Bartow Polk County Record	Roy T. Callemore	Roy T. and Mrs. J. G. Callemore.
Bradenton Herald	A. H. Chapmen	The R. W. Page Corporation.
Clearwater Sun	Victor H. Morgan	The Clearwater Publishing Company.
Daytona Beach Evening News & Sunday News Journal.	Herbert M. Davidson	News-Journal Corporation.
Daytona Beach Morning Journal	do	Do.
Fort Lauderdale Daily News & Evening Sentinel.	Robert H. Gore	Gore Publishing Company.
Fort Myers News Press	Barron Collier, Jr.	News Press Publishing Company.
Fort Pierce News Tribune	Paul G. Enns	News Printing Co. of Fort Pierce.
Gainesville Sun	L. C. Pepper	Pepper Printing Company.
Jacksonville Journal	John H. Perry	The Metropolis Co.
Jacksonville Times-Union	Willis M. Ball	The Florida Publishing Company
Key West Citizen	L. P. Artman	The Citizen Publishing Company.
Lakeland Ledger & Star Telegram.	A. W. Smith	Ledger Publishing Co., Inc.
Live Oak Swanee Democrat	C. P. Helfenstein	C. P. Helfenstein.
Miami Herald	John S. Knight	The Miami Herald Publishing Company.
Miami Daily News	R. A. Reeder	The Miami Daily News, Inc.
Ocala Star	H. D. Leavengood	Star Publishing Company.
Orlando Reporter-Star	Cy Meanor	Orlando Daily Newspapers, Inc.
Orlando Sentinel	Martin Anderson	Orlando Daily Newspapers, Inc.
Palatka Daily News	A. Bev. Baker	Palatka Publishing Company.
Panama City News Herald	J. H. Perry, Jr.	The News-Journal Co., Inc.
Pensacola Journal	Norvin S. Veal	The News-Journal Company.
Pensacola News	John H. Perry, Jr.	Do.
St. Augustine Record	J. A. Cawthon	The Record Company.
St. Petersburg Independent	L. C. Brown	The Evening Independent, Inc.
St. Petersburg Times	Paul Poynter	Times Publishing Company.
Sanford Herald	R. L. Dean	The Sanford Herald, Inc.

[fol. 108]

Sarasota Herald-Tribune & Sunday Herald Tribune.	Geo. D. Lindsay	Sarasota Newspapers, Inc.
Stuart Daily News	Edwin A. Menninger	Stuart Daily News, Inc.

FLORIDA—continued

Newspaper	Representative	Member
Tallahassee Daily Democrat	Lloyd C. Griscom	Capital City Publishing Company.
Tallahassee State News	John M. Tapers	State News Publishing Company.
Tampa Times	David E. Smiley	Tampa Times Company.
Tampa Tribune	S. E. Thomason	The Tribune Company.
West Palm Beach Post & Sunday Post Times.	C. Barry Shannon	The Palm Beach Publications, Inc.
West Palm Beach Times	Don Morris	Do.
Winter Haven Chief	M. M. Lee	Florida Chief Publishing Company.

GEORGIA

Albany Herald	H. T. McIntosh	Herald Publishing Company.
Americus Times-Recorder	James R. Blair	The Times-Recorder Company.
Athens Banner-Herald	E. B. Braswell	Athens Publishing Company.
Atlanta Constitution	Clark Howell	Constitution Publishing Company.
Atlanta Journal	John A. Brice	The Atlanta Journal Company.
Augusta Chronicle	W. S. Morris	The Herald Publishing Company.
Augusta Herald	G. R. Boswell	The Chronicle Publishing Company.
Brunswick News	C. H. Leavy	News Publishing Company.
Columbus Enquirer-Sun & Sunday Ledger Enquirer.	M. R. Ashworth	The R. W. Page Corporation.
Columbus Ledger	R. M. Page	Do.
Cordele Dispatch	John W. Greer, Jr.	Cordele Dispatch Publishing Company.
Griffin News	Quimby Melton	Quimby Melton.
Macon News	Martin Anderson	Macon Telegraph Publishing Company.
Macon Telegraph	W. T. Anderson	Do.
Milledgeville Union Recorder	Jere N. Moore	Jere N. and R. B. Moore.
Moultrie Observer	C. B. Allen	Observer Publishing Company.
Rome News Tribune	C. B. Wright	News Publishing Company.
Savannah Morning News	Herschel V. Jenkins	The Morning News, Inc.
Savannah Press	J. P. Miller	Do.
Thomasville Times-Enterprise	E. R. Jerger	Times-Enterprise Company.
Tifton Gazette	J. G. Herring	Gazette Publishing Company.
Valdosta Times	E. L. Turner	The Valdosta Press, Inc.
Waycross Journal-Herald	Jack Williams	Jack Williams.

IDAHO

Blackfoot Bulletin	E. H. Payson	E. H. Payson & John L. Rider.
Boise Idaho Statesman	Margaret Cobb Ailshie	Statesman Printing Company.
Burley Bulletin	Henry C. Dworshak	Harry C. Dworshak.
Caldwell News-Tribune	J. T. LaFond	The Caldwell News-Tribune Company.
Idaho Falls Post Register (A. M.)	E. F. McDermott	The Post Company.
Idaho Falls Post Register (P. M.)	Edwin F. McDermott	Do.
Kellogg Evening News	William Penney	Mrs. Christine Penney.
Lewiston Tribune	E. L. Alford	Tribune Publishing Company.
Moscow Daily Idahonian	W. T. Marineau	The News-Review Publishing Company.
Nampa Idaho Free Press	Bernard Mainwaring	The Idaho Free Press Company.

[fol. 109]

Pocatello Idaho State Journal	W. S. Cady	The Tribune Journal Co., Inc.
Pocatello Tribune	Nicholas Ifft	Do.
Rupert Minidoka County News	Albert H. Lee	Albert H. Lee.
Twin Falls Times News	R. S. Tomemire	Times & News Publishing Company.
Wallace Press-Times	Harry L. Day	Press Times Publishing Company

ILLINOIS

Newspaper	Representative	Member
Alton Telegraph	Paul B. Cousley	Alton Telegraph Printing Company.
Aurora Beacon-News	Charles W. Hoefer	The Copley Press, Inc.
Belleville Daily Advocate	Miss Anna L. Stolle	Belleville Advocate Printing Company.
Benton Evening News	F. D. Whittington	The Benton Evening News, Inc.
Bloomington Pantagraph	Davis Merwin	The Daily Pantagraph, Inc.
Do	Loring C. Merwin	Do.
Cairo Citizen	Mrs. John C. Fisher	The Citizen Company.
Canton Daily Ledger	H. R. Winsor	H. R. Winsor.
Carbondale Free Press	Robert W. Davis	Free Press Publishing Company.
Centralia Evening Sentinel	V. E. Joy	Verne E. Joy.
Champaign News-Gazette (P. M.)	J. A. McDermott	The Champaign News-Gazette, Inc.
Champaign News Democrat (A. M.)	N. B. Jacquin	Do.
Charleston Daily News	John B. Bardin	John B. Bardin.
Chicago Herald American (A. M.)	I. D. Gortatowsky	Illinois Printing and Publishing Co.
Chicago Herald American (P. M.)	T. J. White	Do.
Chicago Daily Times	Richard J. Finnegan	Chicago Times, Inc.
Chicago Daily News	Frank Knox	The Chicago Daily News Company.
Chicago Tribune	Robert R. McCormick	The Tribune Company.
Danville Commercial-News	E. C. Hewes	Northwestern Publishing Company.
Decatur Herald, Sunday Herald & Review.	Edward E. Lindsay	Decatur Newspapers, Inc.
Decatur Daily Review	H. C. Schaub	Do.
Dixon Telegraph	Mrs. Mabel S. Shaw	B. F. Shaw Printing Company.
DuQuoin Evening Call	Miss E. E. Weinberg	Call Publishing Company.
Elgin Courier News	R. Eaton Fedou	The Copley Press, Inc.
Flora Daily News Record	C. Earl Wood	Flora Record Publishing Co., Inc.
Freeport Journal Standard	Donald L. Breed	Freeport Journal-Standard Publicity Co.
Galena Gazette	Miss Harriet J. Grimm	The Galena Gazette, Inc.
Galesburg Register-Mail	Omer N. Custer	Galesburg Printing & Publishing Co.
Jacksonville Courier	William A. Fay	Jacksonville Journal-Courier Company.
Jacksonville Journal	J. W. Walton	Do.
Joliet Herald-News	John F. Lux	The Copley Press, Inc.
Kankakee Republican	Leslie Small	Kankakee Republican Company.
Kewanee Star-Courier	Philip D. Adler	The Star Courier Co.
LaSalle Post-Tribune	Preston F. Grandon	The Daily Post Company.
Lincoln Evening Courier	Mrs. Allyne Carpenter Nugent.	The Courier Herald Co., Inc.
Macomb Journal	Andrew L. Hainline	Journal Printing Company.
Moline Dispatch	L. R. Blackman	Moline Dispatch Publishing Company.
Monmouth Review-Atlas	Hugh R. Moffet	Review-Atlas Printing Co.
Mount Vernon Register-News	Edwin Rackaway	Mount Vernon Register-News Co.
Ottawa Daily Republican Times	Fred A. Sapp	The Republican-Times Printing Co.
Peoria Journal-Transcript (A. M.)	Carl P. Slane	Peoria Journal-Transcript, Inc.
Peoria Journal-Transcript (P. M.)	do	Do.
Peru News-Herald	Ira J. Williams	Daily News-Herald, Inc.

[fol. 110]

Quincy Herald-Whig	C. F. Eichenauer	Quincy Newspapers, Inc.
	Ray M. Oakley	Do.
Rockford Register-Republic	Mrs. Ruth Hanna Simms.	Rockford Consolidated Newspapers, Inc.

ILLINOIS—continued

Newspaper	Representative	Member
Rockford Morning Star	T. Barney Thompson	Do.
Rock Island Argus	J. W. Potter	The J. W. Potter Company.
Springfield Illinois State Journal	A. W. Shipton	Ira C. Copley.
Springfield Illinois State Register	Geo. M. Clendenin	State Register Publishing Company.
Sterling Daily Gazette	D. W. Grandon	The Sterling Gazette Company.
Streator Daily Times Press	John R. Fornof	The Times-Press Publishing Company.
Taylorville Breeze-Courier	C. F. Jewell	Breeze Printing Company.
Urbana Illini	A. R. Knight	Illini Publishing Company.
Urbana Evening Courier	Edward E. Lindsay	Courier Publishing Company.
Waukegan News-Sun	Frank H. Just	Keystone Printing Co., Inc.

INDIANA

Anderson Bulletin	Geo. D. Crittenberger	Bulletin Printing and Mfg. Co.
Anderson Herald	William M. Toner	Herald Publishing Co.
Attica Ledger Tribune	J. Frank McDermond, Jr.	J. Frank McDermond, Jr.
Bedford Times Mail	Stewart Riley	J. Stewart Riley, Genevieve H. Riley, & George J. Wise.
Bicknell Daily News	W. D. Murray	W. D. Murray.
Bloomington World	Geo. W. Purcell	Purcell Publishing Company.
Columbus Republican	Raymond S. Brown	Raymond S. Brown.
Connersville News Examiner	Geo. S. Tatman	News-Examiner Co.
Crawfordsville Journal Review	A. M. Smith	Journal Review, Inc.
	Foster Fudge	Do.
Elkhart Truth	C. D. Greenleaf	Truth Publishing Company.
Evansville Courier	Edward J. Fehn	The Evansville Courier, Inc.
Fort Wayne Journal Gazette	Wm. A. Kunkel, Jr.	The Journal-Gazette Co.
Fort Wayne News-Sentinel	Miss Helene R. Foellinger.	News Publishing Company.
Frankfort Times	Max Fowler	G. Y. Fowler's Sons.
Gary Post Tribune	H. B. Snyder	Gary Printing Publishing Company.
Indianapolis News	Richard Fairbanks	Indianapolis News Publishing Co.
Indianapolis Star	J. C. Shaffer	Star Publishing Company.
Kokomo Tribune	Richard H. Blacklidge	John Arthur Kautz, Estate.
	Robert J. Hamp, Jr.	Do.
Lafayette Courier	Henry W. Marshall, Jr.	Journal Courier Publishing Company.
Lafayette Journal	Henry W. Marshall	Do.
Logansport Press	Mrs. Mary A. Kerrigan.	Six County Publishing Company.
Madison Courier	M. E. Garber	The Courier Company.
Marion Leader-Tribune	David B. Lindsay	Chronicle Publishing Company.
Marion Chronicle	Gardner J. Thomas	Chronicle Publishing Co., Inc.
Michigan City News-Dispatch	R. C. Averitt	The Dispatch Publishing Company, Inc.
Muncie Evening Press	Gordon B. Lockwood	The Press Publishing Company.
Muncie Star	B. F. Lawrence	Star Publishing Company.
Newcastle Courier Times	Walter S. Chambers	New Castle Printing Company.
Richmond Palladium-Item & Sun Telegram.	Luther M. Feeger	Palladium Publishing Company.
Rushville Republican	Louis C. Hiner	Republican Company, Inc.
Rushville Telegram	Wilber L. Kendall	Do.
Seymour Tribune	John H. Conner	Seymour Tribune Company, Inc.

[fol. 111]

INDIANA—continued

Newspaper	Representative	Member
Shelbyville Daily Democrat	Norman Thurston	Democrat Publishing Company.
So. Bend Evening & Sunday Tribune.	F. A. Miller	South Bend Tribune.
Terre Haute Star and Sunday Tribune Star	F. Birch Ijams	Tribune Star Publishing Company, Inc.
Terre Haute Tribune	Louis F. Keifer	Do.
Vincennes Sun-Commercial	Howard N. Greenlee	Vincennes Newspapers, Inc.
	Eugene C. Pulliam	Do.
Washington Herald	Paul R. Bausman	The Gazette & Herald Company.

IOWA

Boone News Republican	S. G. Goldthwaite	S. G. Goldthwaite.
Burlington Hawk-Eye Gazette	Clarence W. Moddey	The Daily Hawk-Eye Company.
Carroll Daily Times Herald	James W. Wilson	Herald Publishing Company.
Cedar Rapids Gazette & Republican.	John L. Miller	The Gazette Company.
	Jas. M. Faulkes	Do.
Centerville Daily Iowegian & Citizen.	J. M. Beck	J. M. Beck & J. R. Needham.
Charles City Press	Harold S Henry	L. P. Henry.
Cherokee Daily Times	Justin Barry	Times Publishing Company.
Clinton Herald	A. M. Clapp	Clinton Herald Co.
Council Bluffs Nonpareil	Robert R. O'Brien	New Nonpareil.
Creston News-Advertiser	W. E. Day	Creston Printing & Publishing Company.
Davenport Democrat & Leader	Leland M. Turnbull	Democrat Publishing Company.
Davenport Times	E. P. Adler	The Times Co.
Des Moines Tribune Register	Gardner Cowles, Jr.	The Register & Tribune Company.
Des Moines Tribune	W. W. Waymack	Do.
Dubuque Telegraph-Herald and Times-Journal.	C. L. Woodward F. W. Woodward	The Telegraph Herald.
Estherville News	Deemer Lee	Deemer Lee.
Fort Dodge Messenger & Chronicle	W. S. Merryman	Messenger Printing Company.
Iowa City Daily Iowan	Frank Mott	Student Publications, Inc.
Iowa City Press-Citizen	Merritt C. Speidel	Press-Citizen Company, Inc.
Marshalltown Times-Republican	D. K. Hoopes	Times Republican Printing Company.
Mason City Globe-Gazette	Lee P. Loomis	Mason City Globe-Gazette Company.
Missouri Valley Times	Willard M. S. Dale	James R. Rhodes.
Muscatine Journal & News Tribune.	Clyde R. Robedeaux	Journal Printing Company.
Newton News	James R. Rhodes	News Printing Company.
Ottumwa Courier	John Huston	Courier Printing Company.
Perry Chief	F. E. Whitehead	Chief Printing Company.
Sioux City Journal	W. H. Sammons	The Journal Tribune Publishing Co.
Sioux City Tribune Journal	W. R. Perkins	Do.
Spencer Reporter	Ray L. Anderson	The Spencer Publishing Co.
Waterloo Daily Courier	John P. Von Lackman Jackson McCoy	The W. H. Hartman Company.
Webster City Freeman-Journal	Geo. C. Tucker	Freeman Journal Publishing Co.

KANSAS

Abilene Reflector	C. M. Harger	Reflector Printing Company.
Arkansas City Traveler	Oscar S. Stauffer	Traveler Publishing Company.
Atchison Globe	Eugene A. Howe	Globe Printing Company.

[fol. 112]

KANSAS—continued

Newspaper	Representative	Member
Beloit Daily Call	Harry K. Houghton	Harry K. Houghton & A. B. Adamson, Jr.
Chanute Tribune	John P. Harris	The Chanute Publishing Company.
Cherryvale Republican	Pryor S. Campbell	Pryor S. Campbell.
Clay Center Dispatch	Harry E. Valentine	The Clay Center Publishing Co.
Coffeyville Journal	H. J. Powell	Hugh J. Powell, Stanley Platz.
Concordia Blade-Empire	Ray Green	The Blade Empire Publishing Co.
Dodge City Globe	J. C. Denious	The Globe Publishing Company.
El Dorado Times	R. A. Clymer	The Times Publishing Company.
Emporia Gazette	W. A. White	W. A. White.
Fort Scott Tribune Monitor	Geo. W. Marble, Jr.	The Tribune-Monitor Company.
Frankfort Index	A. P. Hartman	H. H. and A. P. Hartman.
Fredonia Herald	Ben S. Hudson	Ben S. Hudson.
Garden City Telegram	Gervais F. Reed	Telegram Publishing Company.
Great Bend Tribune	M. D. Spencer	Mrs. Alice R. Townsley.
Hays Daily News	Frank Motz	News Publishing Company.
Hutchinson Herald	John P. Harris	The Hutchinson Publishing Co.
Hutchinson News	Sidney F. Harris	Do.
Independence Reporter	H. A. Meyer	The Reporter Publishing Co., Inc.
Iola Register	Charles F. Scott	Charles F. Scott.
Junction City Union	Harry E. Montgomery	John Montgomery & Son.
Lawrence Journal-World	W. C. Simons	The World Company.
Leavenworth Times	D. R. Anthony III	D. R. Anthony III.
Lyons Daily News	Paul A. Jones	Lyons Publishing Company.
McPherson Republican	W. J. Krehbiel	W. J. Krehbiel.
Manhattan Mercury	Fay N. Seaton	Fay N. Seaton.
Manhattan Morning Chronicle	do	Do.
Neodesha Sun	Jack A. Moorhead	Jack A. Moorhead.
Newton Kansan-Republican	Mrs. J. C. Mack	The Kansan Printing Company.
Norton Daily Telegram	C. L. Jacoby	Telegram Publishing Company.
Ottawa Herald	Sydney F. Harris	Mrs. Ralph A. Harris & Sons.
Parsons Sun	Clyde M. Reed	The Sun Publishing Company.
Pittsburgh Headlight	F. W. Brinkerhoff	The Pittsburg Publishing Company.
Pittsburgh Sun	F. H. Vandegrift	Do.
Pratt Tribune	Charles W. Pratt	The Tribune Publishing Company.
Salina Journal	Roy F. Bailey	Salina Journal, Inc.
Topeka Capital	Arthur Capper	Capper Publications, Inc.
Topeka State Journal	O. S. Stauffer	The Topeka State Journal, Inc.
Wellington News	H. L. Woods	H. L. Woods.
Wichita Beacon	M. M. Levand	Beacon Publishing Company.
Wichita Eagle	Marcellus M. Murdock.	The Victoria Murdock Estate.
Winfield Daily Courier	W. G. Anderson	W. G. Anderson.

KENTUCKY

Ashland Daily Independent	B. F. Forgey	Ashland Publishing Company.
Bowling Green Park City Daily News.	C. M. Gaines	The News Publishing Company.
Corbin Times-Tribune	James O. Crawford	The Corbin Times-Tribune, Inc.
Covington Kentucky Times-Star	C. H. Rembold	The Cincinnati Times-Star Co.
Danville Kentucky Advocate	Vernon Richardson	Danville Advocate-Messenger, Inc.
Frankfort State-Journal	Mrs. Lillian W. Newman.	The State Journal Company.
Fulton Daily Leader	J. H. Moore	Baptist Flag Publishing Company.
Harlan Daily Enterprise	John L. Crawford	The Enterprise Publishing Company.

[fol. 113]

KENTUCKY—continued

Newspaper	Representative	Member
Hazard Herald	Charles N. Wooton	The Herald Publishing Company.
Henderson Gleaner & Sunday Gleaner & Journal	Leigh Harris	Leigh Harris.
Henderson Journal	do	Do.
Hopkinsville Kentucky New Era	Thomas F. Wood	The Kentucky New Era, Inc.
Lexington Leader	Fred B. Wachs	John G. Stoll.
Lexington Herald	do	Do.
Louisville Courier-Journal	Mark Ethridge	The Louisville Courier-Journal Co.
Louisville Times	G. Barry Bingham	Louisville Times Company.
Madisonville Messenger	Woodson Browning	Madisonville Publishing Company.
Mayfield Daily Messenger	Frank O. Evens	The Mayfield Publishing Company.
Maysville Independent	James Purdon	Purdon & Schatzmann.
Owensboro Inquirer	W. B. Hager	Owensboro Publishing Co., Inc.
Owensboro Messenger	Lawrence W. Hager	Do.
Paducah Sun-Democrat	Edwin J. Paxton W. P. Paxton	Paducah Newspapers, Inc.
Princeton Leader	G. M. Pedley	G. M. Pedley.
Providence Enterprise	J. L. Bradley	Providence Publishing Co., Inc.
Richmond Register	Keen Johnson	The Daily Register Company.
Winchester Sun	James S. Tatman	Winchester Sun Co., Inc.

LOUISIANA

Alexandria Town-Talk	Rollo C. Jarreau	McCormick & Co., Inc.
Baton Rouge Morning Advocate	L. D. Manship	Capital City Press.
Baton Rouge State-Times	Charles P. Manship	Do.
Crowley Signal	O. E. Priestley	Signal Publishing Company.
Jennings Jeff Davis Parish News	Franklin Hildebrand	Franklin Hildebrand.
Lafayette Daily Advertiser	Thomas M. Callahan	Lafayette Advertiser Gazette, Inc.
Lake Charles American Press	Frank A. Smith	American Press Co., Inc.
Monroe Morning World	Robert Ewing, Jr.	News Star-World Publishing Co.
Monroe News-Star	Wilson Ewing	Do.
The New Orleans Item	Ralph Nicholson	The Item Company, Inc.
New Orleans States	James Evans Crown	The Times-Picayune Publishing Co.
New Orleans Times-Picayune	L. K. Nicholson	Do.
Opelousas Clarion-News	J. N. Langford	Opelousas News Co., Inc.
Shreveport Journal	Douglas Attaway	Journal Publishing Co., Inc.
Shreveport Times	John D. Ewing	Times Publishing Co., Ltd.

MAINE

Augusta Kennebec-Journal	Fred R. Lord	Gannett Publishing Co.
Bangor Commercial	James E. MacPherson	J. P. Bass Publishing Co.
Bangor News	Fred D. Jordan	Bangor Publishing Company.
Bath Times	F. B. Nichols	The Times Company.
Biddeford Journal	Julius Mathews	Journal Publishing Corp.
Lewiston Journal	Louis B. Costello	Lewiston Daily Sun, Inc.
Lewiston Sun	George W. Wood	Do.
Portland Evening Express	Guy P. Gannett	Gannett Publishing Co., Inc.
Portland Press-Herald Sunday Telegram & Press Herald.	do	Do.
Waterville Sentinel	Caleb A. Lewis	Do.

[fol. 114]

MARYLAND

Newspaper	Representative	Member
Annapolis Capital	Talbot T. Speer	The Capital Gazette Press, Inc.
Baltimore American	Mrs. W. R. Hearst	Hearst Consolidated Publications, Inc.
Baltimore News Post	W. M. Baskervill	Do.
Baltimore Evening Sun	Harry C. Black	A. S. Abell Company.
Baltimore Sun	Paul Patterson	Do.
Cambridge Banner	Arnold Daane	Arnold Daane.
Cumberland Daily News	Wm. L. Geppert	The Times & Allegian Company.
Cumberland Times	Joseph B. Finan	Do.
Frederick News	R. E. Delaplaine	Great Southern Printing & Mfg. Co.
Frederick Post	Wm. T. Delaplaine	Do.
Hagerstown Mail	Wm. P. Lane, Jr.	The Herald-Mail Company.
Hagerstown Herald	S. E. Phillips	Do.
Salisbury Times	Richard P. Curtiss	The Brush-Moore Newspapers, Inc.

MASSACHUSETTS

Athol Daily News	Edward T. Fairchild	Athol Press, Inc.
Attleboro Sun	Charles C. Cain, Jr.	Sun Publishing Company.
Boston American & Boston Sunday Advertiser.	Harold G. Kern	American Newspapers, Inc.
Boston Christian Science Monitor	A. Warren Norton	The Christian Science Publishing Soc.
Boston Globe	W. O. Taylor	Globe Newspaper Company.
	Wm. Davis Taylor	Do.
Boston Herald	Robert B. Choate	Boston Herald-Traveler Corp.
Boston Post	Richard Grozier	Post Publishing Company.
Boston Record	Ernest Hoftyzer	American Newspapers, Inc.
Boston Traveler	Harold F. Wheeler	Boston Herald-Traveler Corp.
Brockton Enterprise & Times	Charles L. Fuller	Enterprise Publishing Company.
Fall River Herald-News	Edward J. Delaney	Herald-News Publishing Company.
Fitchburg Sentinel	George H. Godbeer	Sentinel Publishing Company.
Gardner News	S. W. Rogers	The Gardner News, Inc.
Greenfield Recorder-Gazette	Paul S. Walcott	Recorder Publishing Corp.
Haverhill Gazette	Wm. H. Heath	Haverhill Gazette Company.
Lawrence Eagle	Alexander H. Rogers	Hildreth-Rogers Company.
Lawrence Evening Tribune	George A. Mellen	Do.
Leominster Enterprise	Clinton P. Rowe	Leominster Enterprise Co., Inc.
Lowell Sun & Citizen Leader	Thomas F. Costello	Lowell Sun Company.
Lynn Daily Item	Charles H. Gamage	Hastings & Sons Publishing Co.
New Bedford Mercury	Lincoln G. Sowle	S. Anthony & Sons, Inc.
New Bedford Evening Standard-Times & Sunday Morning Standard-Times.	Basil Brewer	Do.
North Adams Transcript	James A. Hardman	James A. Hardman.
Northampton Daily Hampshire Gazette.	Arthur Frederick	H. S. Gere & Sons, Inc.
Norwood Messenger	Harry P. Hurwich	Norwood Messenger, Inc.
Pittsfield Berkshire Eagle	Donald B. Miller	Eagle Publishing Company.
Salem News	Harry E. Flint	Salem News Publishing Company.
Springfield Republican	Richard Hooker	The Republican Publishing Company.
Springfield Union	Henry B. Russell	The Springfield Union Publishing Co.
	Paul F. Craig	Do.
Taunton Gazette	Wm. Hale Reed	William Reed & Sons Company.

[fol. 115]

MASSACHUSETTS—continued

Newspaper	Representative	Member
Waltham News-Tribune	Alexander T. Skakle	Waltham Publishing Company.
Worcester Gazette	Harry G. Stoddard	Worcester Telegram Publishing Co., Inc.
Worcester Telegram & Sunday Telegram.	Geo. F. Booth	Do.

MICHIGAN

Adrian Telegram	Stuart H. Perry	The Adrian Telegram.
Ann Arbor Michigan Daily	E. R. Sunderland	Board in Control of Student Publications.
Ann Arbor News	Arthur W. Stace	Booth Newspapers, Inc.
Battle Creek Enquirer & News	A. L. Miller	Enquirer-News Company.
Bay City Times	Glenn MacDonald	Booth Newspapers, Inc.
Benton Harbor News-Palladium	Stanley R. Banyon	Palladium Publishing Company.
Calumet Evening News Journal	M. J. Trethaway	The Mining Gazette Company.
Detroit Free Press	John S. Knight	Knight Newspapers, Inc.
Detroit News & Sunday News	William E. Scripps	The Evening News Association.
Escanaba Press	John P. Norton	The Daily Press Co., Inc.
Flint Journal	M. A. Gorman	Booth Newspapers, Inc.
Grand Haven Daily Tribune	Almon W. McCall	The Grand Haven Daily Tribune, Inc.
Grand Rapids Herald	Frank M. Sparks	Herald Publishing Company.
Grand Rapids Press	Lee M. Woodruff	Booth Newspapers, Inc.
Hillsdale News	H. J. Burgess	The Hillsdale Herald, Inc.
Houghton Mining Gazette	John W. Rice	The Mining Gazette Company.
Ionia Sentinel-Standard	Frederick McC. Kidd	The Ionia Sentinel-Standard, Inc.
Iron Mountain Daily News	Wm. F. Russell	Iron Mountain Publishing Company.
Ironwood Globe	Linwood I. Noyes	Globe Publishing Company.
Jackson Citizen-Patriot	Carl M. Saunders	Booth Newspapers, Inc.
Kalamazoo Gazette	J. K. Walsh	Do.
Lansing State Journal	Paul A. Martin	The State Journal Company.
Ludington Daily News	Harold Furstenau	Harold Furstenau.
Marquette Mining Journal	Frank J. Russell	The Mining Journal, Inc.
Menominee Herald-Leader	R. M. Andrews	Herald-Leader Company.
Monroe News	J. S. Gray	Monroe Publishing Company.
Mount Clemens Monitor	Paul W. McKee	Monitor Publishing Company.
Muskegon Chronicle	Archie E. McCrea	Booth Newspapers, Inc.
Niles Star	John R. Seamehorn	The Star Publishing Company.
Owosso Argus-Press	J. E. Campbell	Argus-Press Company.
Pontiac Daily Press	Harold A. Fitzgerald	Pontiac Press Company.
Port Huron Times-Herald	Louis A. Weil	Times-Herald Company.
St. Joseph Herald Press	Rex V. Wynkoop	Palladium Publishing Company.
Saginaw News	Arthur R. Treanor	Booth Newspapers, Inc.
Sault Ste. Marie News	George A. Osborn	Sault News Printing Company.
Ypsilanti Daily Press	George C. Handy	The Ypsilanti Press.

MINNESOTA

Albert Lea Tribune	L. S. Whitcomb	Albert Lea Publishing Company.
Austin Herald	H. E. Rasmussen	Herald Publishing Company.
Bemidji Pioneer	H. Z. Mitchell	Bemidji Pioneer Publishing Co.
Crookston Times	D. A. McKenzie	Crookston Times Printing Co.
Duluth Herald	J. R. Van Horn	Northwest Publications, Inc.
Duluth News-Tribune	Herman H. Ridder	Do.
Fairmont Daily Sentinel	James F. Cavers	Sentinel Publishing Company.

[fol. 116]

MINNESOTA—continued

Newspaper	Representative	Member
Faribault Daily News	Mrs. Helen L. Bratton	Faribault Daily News, Inc.
Fergus Falls Daily Journal	W. L. Robertson	Fergus Journal Company.
International Falls Daily Journal	Paul Anderson	Border Publishing Company.
Hibbing Tribune	R. W. Hitchcock	R. W. Hitchcock.
Little Falls Transcript	Ed. M. LaFond	Transcript Publishing Company.
Mankato Free Press	James A. Callahan	Free Press Company.
Marshall Daily Messenger	W. C. Peterson	The News-Messenger, Inc.
Minneapolis Star-Journal	John Cowles	Minneapolis Star Journal & Tribune Co.
Minneapolis Tribune	B. L. Walters	Do.
Minneapolis Times	G. B. Bickelhaupt	Do.
Owatonna Daily Peoples Press	Geo. F. Darby	B. E. Darby & Sons, Inc.
Red Wing Republican Eagle	Albert Marshall, Jr.	The Red Wing Publishing Company.
Redwood Falls Gazette	Scott Schoen	Redwood Gazette Publishing Co., Inc.
Rochester Post-Bulletin	G. S. Witherstine	Post Bulletin Company.
St. Cloud Times	Fred Schilplin	The Times Publishing Company.
St. Paul Dispatch	Wm. F. Johns	Northwest Publications, Inc.
St. Paul Pioneer Press	Joseph E. Ridder	Do.
Virginia Enterprise	Burt D. Pearson	Enterprise Printing & Publishing Co.
Willmar Tribune	Victor E. Lawson	Victor E. Lawson.
Winona Republican-Herald	H. R. Wiecking	Republican & Herald Publishing Co.
Worthington Globe	V. M. Vance	V. M. Vance.

MISSISSIPPI

Clarksdale Register and News	Mrs. Lillian P. Clark	Register Publishing Co., Inc.
Columbus Commercial Dispatch	Birney Imes	Commercial Dispatch Publishing Co.
Corinth Daily Corinthian	E. O. Klyce	E. O. Klyce & J. C. Bishop.
Greenville Delta Democrat-Times	Hodding Carter	Delta Democrat Publishing Co.
Greenwood Commonwealth	Sumter Gillespie	Sumter Gillespie.
Gulfport Herald	W. G. Wilkes	George W. Wilkes Sons.
Hattiesburg American	Francis S. Harmon	Hattiesburg American, Inc.
Jackson Clarion-Ledger	T. M. Hederman	The Clarion Ledger Company.
Jackson News	Frederick Sullens	News Publishing Co.
Laurel Leader Call	James H. Skewes	The Laurel Daily Leader, Inc.
McComb Enterprise	John Oliver Emmerich	John Oliver Emmerich.
Meridian Star	Grace B. Skewes	The Meridian Star Company.
Natchez Democrat	Jas. K. Lambert	Natchez Democrat Ptg. & Publishing Co., Inc.
Pascagoula Moss Point Advertiser	Mrs. F. G. Hollister	The Advertiser Publishing Company.
Tupelo Daily News	J. Fred Price	Daily News Company.
Vicksburg Herald	P. L. Barclift	Vicksburg Printing & Publishing Co.
Vicksburg Evening Post	L. P. Cashman	J. G. Cashman & Sons.
West Point Times Leader	Edgar G. Harris	Edgar G. and Buelah L. Harris.

MISSOURI

Boonville Daily News	H. R. Winsor	The Boonville Press, Inc.
Cape Girardeau Southeast Missourian	Fred Naeter	Naeter Bros. Publishing Co.
Carrollton Daily Democrat	W. R. Painter	Carrollton Democrat Printing Co.
Carthage Press	W. J. Sewall	Carthage Press Publishing Co.
Chillicothe Constitution Tribune	C. E. Watkins	Chillicothe Publishing Co.

[fol. 117]

MISSOURI—continued

Newspaper	Representative	Member
Columbia Tribune	H. J. Waters	Tribune Publishing Company.
Fulton Daily Sun-Gazette	Geo. P. Johnston	Geo. P. Johnston.
Hannibal Courier-Post	E. L. Sparks	The Courier-Post Publishing Co.
Jefferson City Capital-News	Robert C. Goshorn	Capital News Printing Co.
Jefferson City Post-Tribune	do	Tribune Printing Company.
Joplin Globe	Cowgill Blair	Joplin Globe Publishing Co.
Joplin News-Herald	Ray S. Cochran	Do.
Kansas City Star	Geo. B. Longan	The Kansas City Star Company.
Kansas City Times	Roy A. Roberts	Do.
Lamar Republican	G. T. Heath	G. T. Heath.
Lebanon Daily News	Fred W. May	Lebanon Publishing Co., Inc.
Macon Chronicle Herald	Frank P. Briggs	Chronicle Herald Publishing Co.
Marshall Democrat-News	R. N. Hains	Democrat-Press Printing Co.
Maryville Daily Forum	M. W. Stauffer	The Forum Publishing Co.
Mexico Daily News & Intelligencer.	Raymond G. Holman	The Intellingencer Publishing Co., Inc.
Moberly Monitor-Index & Democrat.	James Todd	Moberly Index Printing Co.
Monett Times	Menzo Hainline	Menzo Hainline.
Nevada Daily Mail & Post	J. H. Bean	Southwest Mail Printing Co.
Poplar Bluff American Republic	J. H. Wolpers	Poplar Bluff Printing Co.
Sedalia Capital	Geo. H. Scruton	Sedalia Democrat Company.
Sedalia Democrat	Geo. H. Trader	Do.
St. Joseph Gazette Sunday News Press.	Dean Palmer	The News Corporation.
St. Joseph News Press	Charles M. Palmer	Do.
St. Louis Globe-Democrat	E. Lansing Ray	St. Louis Globe Democrat Co.
St. Louis Post-Dispatch	Joseph Pulitzer	The Pulitzer Publishing Co.
Sikeston Standard	C. L. Blanton	C. L. Blanton.
Springfield Leader & Press	H. S. Jewell	Springfield Newspapers, Inc.
Springfield Daily News	George Olds	Do.
Trenton Republican-Times	Mrs. Carrie Rogers Clark.	W. B. Rogers Printing Co.

MONTANA

Billings Gazette	Guy Mooney	The Gazette Printing Co.
	Fred W. Pierce	Do.
Bozeman Chronicle	Frank M. Grant	Chronicle Publishing Co.
Butte Montana Standard	E. G. Leipheimer	Standard Publishing Co.
Butte Post	J. H. Dickey, Jr.	Post Publishing Co.
Great Falls Leader	F. M. Tenney	The Leader Co., Inc.
Great Falls Tribune	O. S. Warden	The Tribune Co., Inc.
Helena Independent	Law Riskin	Independent Publishing Co. of Helena.
Helena Montana Record-Herald	Taylor B. Weir	Montana Record Herald.
Kalispell Inter Lake	L. D. Spafford	The Inter Lake Printing Co.
Lewistown Democrat-News	Tom Stout	The Democrat-News Co., Inc.
Lewistown Evening Telegram	Harry E. Lay	Do.
Livingston Enterprise	R. E. Miller	Livingston Publishing Co.
Miles City Star	W. F. Flinn	Star Printing Co.
Missoula Missoulian	French T. Ferguson	The Missoulian Publishing Co.
Missoula Sentinel	C. A. Colby	Do.

NEBRASKA

Alliance Times Herald	Ben J. Sallows	Ben Sallows.
Beatrice Sun	E. M. Marvin	E. M. Marvin.

[fol. 118]

NEBRASKA—continued

Newspaper	Representative	Member
Fremont Morning Guide	Alfred G. Hill	Chappell-Owen (Guide) Printing Co.
Grand Island Independent	Arch W. Jarrell	Grand Island Independent Publishing Co.
Hastings Tribune	Fred A. Seaton	Fay N., Fred. A., & Richard M. Seaton.
Lincoln Star	Frank D. Throop	The Star Printing Co.
Lincoln Nebraska State Journal	Joe W. Seacrest	State Journal Printing Co.
Lincoln Evening Journal	Fred Seacrest	Do.
Norfolk News	Gene Huse	The Huse Publishing Co.
North Platte Telegraph	A. P. Kelly	Kelly & Son.
Omaha World-Herald	George Grimes Henry Doorly	World Publishing Co.
Scottsbluff Star-Herald	H. J. Wisner	The Star-Herald Printing Co.

NEVADA

Reno Evening Gazette	Graham M. Dean	Reno Newspapers, Inc.

NEW HAMPSHIRE

Claremont Daily Eagle	Lincoln O'Brien	Claremont Eagle, Inc.
Concord Monitor & Patriot	James M. Langley	Monitor Patriot Co.
Dover Foster's Democrat	Frederick Foster	Geo. J. Foster & Co.
Hanover Dartmouth	Michael Di Sherbiuin	The Dartmouth, Inc.
Keene Sentinel	John W. Prentiss	Sentinel Printing Co.
Laconia Evening Citizen	Edward J. Gallagher	Citizen Publishing Co.
Manchester Leader	Edmund F. Jewell	The Union-Leader Publishing Co.
Manchester Union	C. Dekker	Do.
Nashua Telegraph	Burtt E. Warren	Telegraph Publishing Co.
Portsmouth Herald	J. D. Hartford	Chronicle & Gazette Publishing Co.

NEW JERSEY

Asbury Park Press	J. L. Kinmonth	J. L. Kinmonth.
Atlantic City Press	Albert J. Feyl	Press-Union Publishing Co.
Atlantic City Union	Francis E. Croasdale	Do.
Bridgeton News	Graham L. Schofield	Evening News Co.
Elizabeth Journal	Fred L. Crane	Elizabeth Daily Journal, Inc.
Flemington Hunterdon County Democrat.	D. H. Moreau	Moreau and Moreau.
Freehold Transcript	Adrian E. Moreau	Adrian E. Moreau.
Hackensack Bergen Evening Record.	John Borg	Bergen Evening Record Corp.
Jersey City Jersey Journal	Joseph A. Dear	The Evening Journal Association.
Lakewood Daily Times	Harry E. Newman	The Times & Journal Publishing Co.
Long Branch Record	E. D. DeWitt	Monmouth County Publishing Co.
Millville Republican	Carl H. Johnson	Millville Publishing Co.
Morristown Daily Record	Norman B. Tomlinson	Norman B. Tomlinson.
Newark Sunday Call	Edward F. Bataille	Newark Call Printing & Publishing Co.
Newark Star-Ledger	S. I. Newhouse	Newark Morning Ledger Company.
Newark News	Edward W. Scudder	Evening News Publishing Co.
New Brunswick Daily Home News & Sunday Times.	Elmer B. Boyd	Home News Publishing Co.
Passaic Herald-News	Dow H. Drukker, Jr	Passaic Daily News, Inc.
Paterson Morning Call	Robert Williams, Jr.	Call Printing & Publishing Company.

[fol. 119]

NEW JERSEY—continued

Newspaper	Representative	Member
Paterson Evening News	H. B. Haines	News Printing Co.
Perth Amboy News	John W. Barnhart	Perth Amboy Evening News Co.
Plainfield Courier-News	Chauncey F. Stout	Plainfield Courier-News Co.
Red Bank Register	Thomas Irving Brown	Red Bank Register, Inc.
Salem Standard & Jerseyman	Wm. H. Chew	Standard & Jerseyman Co.
Trenton State Gazette and Sunday Times Advertiser.	James Kerney, Jr.	Trenton Times, Inc.
Trenton Evening Times	John E. Kerney	Do.
Toms River Ocean County Sun.	W. S. Mathis	Sun Publishing Co.
Union City Hudson Dispatch	William Rubel	Hudson Dispatch.
Vineland Times Journal	Max Leuchter	Max Leuchter & Abraham M. Bass.
Wildwood Leader	Albert S. Bailie	Cape May County Leader Co., Inc.

NEW MEXICO

Albuquerque Tribune	T. M. Pepperday	Albuquerque Publishing Co.
Albuquerque Journal	H. P. Pickrell	Journal Publishing Co.
Carlsbad Current-Argus	Floyd B. Rigdon	Floyd B. Rigdon.
Clovis Evening News Journal	R. C. Hoiles	R. C. & C. H. Hoiles.
Gallup Independent	Andrew W. Barnes	Gallup Independent Newspaper, Inc.
Hobbs Daily News-Sun	E. J. Kurre	Sun Publishing Corp.
Las Cruces Sun-News	Wallace Perry	The Las Cruces Sun Publishing Co.
Las Vegas Optic	H. W. Kane	Optic Publishing Co.
Raton Range	Harold A. Hill	Harold A. Hill & Frank Pfeiffer.
Roswell Morning Dispatch	Paul McEvoy	Roswell Morning Dispatch, Inc.
Roswell Daily Record	E. J. Kurre	Record Publishing Co., Inc.
Santa Fe New Mexican	Frank C. Rand, Jr.	New Mexican Publishing Co.
Silver City Daily Press & Independent.	Clyde Earl Ely	Clyde Earl Ely.
Tucumcari Daily News	V. Earl Grau	Richard Hindley & V. Earl Grau.

NEW YORK

Albany Knickerbocker News	A. J. McDonald	The Press Co., Inc.
Albany Times-Union	Fred I. Archibald	Albany Evening Union Company.
Amsterdam Recorder & Democrat	Gardiner Kline	Wm. J. Kline & Son, Inc.
Auburn Citizen-Advertiser	Charles D. Osborne	Auburn Publishing Co.
Batavia News	Milton R. Miller	Griswold and McWain, Inc.
Binghamton Press	Mrs. Willis Sharpe Kilmer.	The Binghamton Press Co.
Binghamton Sun	William H. Hill	The Morning Sun, Inc.
Buffalo Courier-Express	W. J. Conners, Jr.	Buffalo Courier-Express, Inc.
Buffalo News	E. H. Butler	Edward H. Butler & Edward H. Butler as Trustee for Ada Butler Mitchell.
Canandaigua Daily Messenger	Leon J. McCarthy	Canandaigua Messenger, Inc.
Corning Leader	W. A. Underhill	W. A. and E. S. Underhill, Jr.
Cortland Standard	Edward H. Clark	Cortland Standard Printing Co., Inc.
Elmira Advertiser & Sunday Telegram.	Lynn N. Bitner	Elmira Star-Gazette, Inc.
Elmira Star-Gazette	Frank E. Tripp	Do.
Freeport Nassau Daily Review-Star.	James E. Stiles	Daily Review Corp.
Geneva Daily Times	W. A. Gracey	Geneva Printing Co.

[fol. 120]

NEW YORK—continued

Newspaper	Representative	Member
Glens Falls Post Star	J. Edward Singleton	Glens Falls Post Co.
Glens Falls Times	Arthur P. Irving	Do.
Gloversville Herald	Edward H. Mills	The Wm. B. Collins Co.
Gloversville Leader-Republican	F. L. Rogers	Do.
Hornell Tribune	S. Mable Wombough	W. H. Greenhow Co.
Hudson Evening Register	Raymond D. Kennedy	Record Printing & Publishing Co.
Ithaca Cornell Daily Sun	Morris G. Bishop	Cornell Daily Sun, Inc.
Ithaca Journal	Harry G. Stutz	Ithaca Journal-News, Inc.
Jamestown Post-Journal	John A. Hall Alfred G. Hill	Jamestown Newspaper Corp.
Kingston Daily Freeman	Mrs. Lucia de L. Klock.	Freeman Publishing Co.
Little Falls Times	Charles D. Crowley	The Crowley Publishing Corp.
Lockport Union-Sun & Journal	Egbert D. Corson	Lockport Union-Sun & Journal, Inc.
Malone Telegram	Douglas N. Callander	Malone Telegram, Inc.
Mamaroneck Daily Times	George P. Forbes	Westchester County Publishers, Inc.
Mount Vernon Daily Argus	A. C. Saunders	Do.
New Rochelle Standard Star	Elmer H. Miller	Do.
New York Journal American	W. R. Hearst, Jr.	Hearst Consolidated Publications.
New York Daily Mirror	Charles B. McCabe	Daily Mirror, Inc.
New York Herald Tribune	Ogden Reid	New York Tribune, Inc.
New York Daily News	J. M. Patterson	News Syndicate Co., Inc.
New York Post	George Backer	New York Post, Inc.
New York Staats Zeitung	Victor F. Ridder	New York Staats Zeitung, Inc.
New York Sun	Wm. T. Dewart	New York Sun, Inc.
New York Times	Arthur Hays Sulzberger.	The New York Times Co.
Niagara Falls Gazette	Alanson C. Deuel	The Niagara Falls Gazette Publishing Co.
Norwich Sun	P. L. Clark	The Norwich Publishing Co., Inc.
Ogdensburg Journal	Franklin R. Little	Ogdensburg Publishing Co., Inc.
Oneonta Star	Francis A. Lee	Otsego Publishing Co.
Ossining Citizen-Register	Joseph L. Naar	Westchester County Publishers, Inc.
Oswego Palladium-Times	Edwin M. Waterbury	Palladium-Times, Inc.
Peekskill Evening Star	E. Joe Albertson	The Peekskill Star Corp.
Plattsburg Press	Mrs. M. M. Dunphy	Sentinel Publishing Co.
Port Chester Daily Item	Edward Hughes	Westchester County Publishers, Inc.
Port Jervis Union Gazette	Fred D. Salmon	Tri-States Publishing Co., Inc.
Poughkeepsie Eagle-News	Richard E. Coon, Jr.	Platt and Platt, Inc.
Poughkeepsie, New Yorker	Ed. A. Chappell	Poughkeepsie Newspapers, Inc.
Rochester Democrat & Chronicle	Neal Murphy	Gannett Co., Inc.
Rochester Times-Union	Frank E. Gannett	Do.
Rome Sentinel	F. Everiss Kessinger	Rome Sentinel Co., Inc.
Salamanca Republican-Press	Matthew Weber	B. B. and Matthew Weber.
Saranac Lake Adirondack Enterprise.	John S. Ridenour	The Adirondack Enterprise.
Saratoga Springs Saratogian	W. Howard Moody	The Saratogian, Inc.
Schenectady Gazette	A. N. Liecty	Daily Gazette Co.
Schenectady Union Star	Paul L. Gross	Schenectady Union Publishing Co.
Syracuse Herald-Journal & Herald-American.	E. A. O'Hara	The Herald Co.
Syracuse Post-Standard	Ernest L. Owen	The Post Standard Co.

NEW YORK—continued

Newspaper	Representative	Member
Tarrytown Daily News	Wallace Odell	Westchester County Publishers, Inc.
Troy Morning Record	Dwight Marvin	The Troy Record Co.
Troy Times-Record	David B. Plum	Do.
[fol. 121]		
Utica Observer Dispatch	J. David Hogue	Observer Dispatch, Inc.
	Wm. J. Woods	Do.
Utica Daily Press	Paul B. Williams	Do.
Watertown Times	Harold B. Johnson	The Brockway Co.
Wellsville Reporter	E. Willard Barnes	The Reporter Co.
White Plains Reporter Dispatch	Ben Carroll	Westchester County Publishers, Inc.
Yonkers Herald-Statesman	J. Noel Macy	Do.

NORTH CAROLINA

Asheville Citizen & Sunday Citizen-Times.	Charles A. Webb	Asheville Citizen-Times Co.
Asheville Times	D. S. Elias	Do.
Burlington Times News	R. B. Terry	The Times-News Publishing Co.
Charlotte News	W. Carey Dowd, Jr.	News Publishing Co., Inc.
Charlotte Observer	Curtis B. Johnson	The Observer Co.
Concord Tribune	W. M. Sherrill	The Concord Tribune, Inc.
Durham Morning Herald	Steed Rollins	Durham Herald, Inc.
Durham Sun	C. C. Council	Do.
Elizabeth City Advance	Herbert Peele	Herbert Peele.
Fayetteville Observer	Charles R. Wilson	Fayetteville Publishing Co.
Gastonia Gazette	James W. Atkins	Gazette Publishing Co., Inc.
Goldsboro News-Argus	Talbot Patrick	Goldsboro Publishing Co., Inc.
Greensboro News	E. B. Jeffress	Greensboro News Co.
Greensboro Record	Carl O. Jeffress	Do.
Greenville Reflector	David J. Whichard, Jr	David J. Whichard, Jr.
Henderson Dispatch	H. A. Dennis	Henderson Dispatch Co., Inc.
Hickory Daily Record	L. C. Gifford	Hickory Record, Inc.
High Point Enterprise	R. B. Terry	High Point Enterprise, Inc.
Kannapolis Independent	James L. Moore	James L. Moore.
Lumberton Robesonian	J. A. Sharpe	The Robesonian, Inc.
Morehead City Twin City Times	H. B. Utley	H. B. Utley.
New Bern Sun-Journal	T. M. Diggs	Sun-Journal, Inc.
Pinehurst Outlook	Robert E. Harlow	Pinehurst Printing Co.
Raleigh News & Observer	Josephus Daniels	The News & Observer Publishing Co.
Raleigh Daily Times	John A. Park	The Times Publishing Co.
Rocky Mount Telegram	Josh L. Horne	Rocky Mount Publishing Co., Inc.
Salisbury Post	James F. Hurley, Jr.	The Post Publishing Co.
Shelby Star	Lee B. Weathers	Lee B. Weathers.
Statesville Daily	Pegram A. Bryant	Pegram A. Bryant.
Tarboro Southerner	V. Herman Creech	Bourne & Creech.
Washington News	Chas. McK. Thompson.	Daily News, Inc.
Wilmington News	J. Walter Webb	R. B. Page.
Wilmington Star	Rinaldo B. Page	Do.
Wilson Times	John D. Gold	P. D. Gold Publishing Co.
Winston-Salem Journal	Gordon Gray	Winston-Salem Journal Co.
Winston-Salem Twin City Sentinel.	Wm. K. Hoyt	Winston-Salem Sentinel, Inc.

NORTH DAKOTA

Bismarck Tribune	Archie O. Johnson	Bismarck Tribune Co.
Devils Lake Daily Journal	M. H. Graham	Journal Publishing Co.
Fargo Forum & Daily Republican.	Mrs. Jenny C. Black	Forum Publishing Co.
Fargo Forum & Daily Tribune	Norman D. Black	Do.

[fol. 122]

NORTH DAKOTA—continued

Newspaper	Representative	Member
Grand Forks Herald	M. M. Oppegard	Grand Forks Herald, Inc.
Grand Forks Herald	Bernard J. Ridder	Do.
Jamestown Sun	Percy M. Hansen	Hansen Brothers.
Mandan Pioneer	E. A. Tostevin	Pioneer Publishing Co.
Minot News	H. S. Davies	The Minot Daily News.
Valley City Times-Record	Mrs. P. R. Trubshaw	Mrs. P. R. Trubshaw.
Williston Herald	Henry E. Polk	The Williston Herald Co.

OHIO

Akron Beacon Journal	John S. Knight	The Beacon-Journal Publishing Co.
Alliance Review	Alice C. Hoiles	Review Publishing Co.
Athens Messenger	G. K. Bush	The Messenger Publishing Co.
Canton Repository	Louis H. Brush	The Repository Printing Co.
Chillicothe Chillicothe Scioto Gazette.	J. K. Hunter	Chillicothe Newspapers, Inc.
Cincinnati Enquirer	Corcoran Thom	Ed. McLean & American Security & Trust Co., Trustees under last will and testament of John R. McLean.
Cincinnati Times-Star	Hulbert Taft	Cincinnati Times-Star Co.
Cleveland News	D. R. Hanna, Jr.	The Cleveland Co.
Cleveland Plain Dealer	Paul Bellamy	Do.
Columbus Ohio State Journal	Edgar T. Wolfe	The Ohio State Journal Co.
Columbus Evening Dispatch & Sunday Dispatch.	Harry P. Wolfe	The Dispatch Publishing Co.
Columbus Sunday Star	Howard A. White	The Star Co.
Dayton Journal & Dayton Sunday Journal-Herald.	Lewis B. Rock	The Journal-Herald Publishing Co.
Dayton Daily News	James M. Cox	The Evening News Publishing Co.
East Liverpool Review	Wm. H. Vodrey	The East Liverpool Publishing Co.
Findlay Republican-Courier	R. L. Heminger	Findlay Publishing Co.
Gallipolis Daily Tribune	H. W. Wetherholt	H. W. Wetherholt.
Hamilton Journal-News	Homer Gard	The Journal Publishing Co.
Ironton Evening Tribune & Sunday Tribune.	Miss Felonise B. Moore.	The Tribune Publishing Co.
Lancaster Eagle-Gazette	R. Kenneth Kerr	The Eagle-Gazette Co.
Lima News	L. S. Galvin	The Lima News Publishing Co.
Logan Daily News	Mary Ellen Galvin	The Wayne Newspaper Co.
Lorain Journal & Times-Herald	S. A. Horvitz	The Lorain Journal Co.
Mansfield News-Journal	do	Mansfield Journal Co.
Marion Star	Joseph Vodrey	The Harding Publishing Co.
Massillon Independent	Walter H. Annenberg	Triangle Publications, Inc.
Middletown Journal	J. A. Chew	News-Journal Publishing Co.
Mount Vernon News	G. T. Culbertson	The Republican Publishing Co.
Newark Advocate & American Tribune.	C. H. Spencer	The Advocate Printing Co.
Portsmouth Times	John D. Raridan	The Times Publishing Co.
Salem News	Ralph W. Hawley	The Salem Publishing Co.
Sandusky Register-Star-News	Dudley M. White	Sandusky Newspapers, Inc.
Springfield News	James M. Cox, Jr.	Springfield Newspapers, Inc.
Springfield Daily Sun	Edgar Morris	Do.
Steubenville Herald-Star	Roy D. Moore	The Herald Printing Co.
Toledo Blade	Grove Patterson	The Toledo Blade Co.
Toledo Times	John D. Dun	The Toledo Times Publishing Co.
Upper Sandusky Chief-Union	C. H. Lewis	Wyandot Union Publishing Co.

[fol. 123]

OHIO—continued

Newspaper	Representative	Member
Van Wert Times Bulletin	Wayne W. Galvin	The Van Wert Publishing Co.
Warren Daily Tribune & Warren Chronicle.	Mrs. Helen Hart Hurlbert.	The Tribune Co.
Washington C. H. Record Herald	Wayne W. Galvin	The Washington News Publishing Co.
Wilmington News Journal	W. J. Galvin	The News-Journal Co.
Youngstown Vindicator	W. F. Maag, Jr.	The Vindicator Printing Co.
Zanesville Times-Record & Sunday Times-Signal.	Clay Littick	The Zanesville Publishing Co.

OKLAHOMA

Ada News	W. D. Little Byron Norrell	News Publishing & Printing Co.
Ardmore Daily Ardmoreite	John F. Easley	The Ardmore Publishing Co., Inc.
Bartlesville Enterprise	Newell G. Welty	The Examiner Co.
Bartlesville Examiner	N. D. Welty	Do.
Bristow Daily Record	I. M. Nichols	Bristow Record Co.
Chickasha Daily Express	Geo. H. Evans	Geo. H. Evans.
El Reno Daily Tribune	Ray J. Dyer	El Reno Printing & Publishing Co.
Enid Daily Eagle	Wm. M. Taylor	The Enid Publishing Co.
Enid Morning News	Milton C. Garber	Do.
Guthrie Daily Leader	Raymond Fields	Leader Publishing Co.
Lawton Morning Press	Mrs. Homer Hedges	Mrs. Homer Hedges.
McAlester News-Capital	Fred G. Cowles	News-Capital Co.
Miami News-Record	C. M. Bartlett	News-Record Publishing Co., Inc.
Muskogee Daily Phoenix	Tams Bixby, Jr.	Oklahoma Press Publishing Co.
Muskogee Times Democrat	Tams Bixby III	Do.
Norman Oklahoma Daily	C. H. Brite	Publication Board of the Student Association of University of Oklahoma.
Nowata Daily Star	Ralph E. Staffelbach	Ralph E. Staffelbach.
Oklahoma City Oklahoman	E. K. Gaylord	The Oklahoma Publishing Co.
Oklahoma City Times	Edgar T. Bell	Do.
Okmulgee Times & Sunday Times Democrat.	Donald W. Reynolds	Times Publishing Co.
Pauls Valley Democrat	Jesse Alexander	Jesse Alexander.
Ponca City News	Clyde E. Muchmore	The Ponca City Publishing Co., Inc.
Seminole Producer & Reporter	James T. Jackson	Seminole Newspapers, Inc.
Shawnee Morning News	W. G. Dunn	Shawnee News Co., Inc.
Shawnee Evening Star	Tom Steed	Do.
Tulsa Tribune	Richard Lloyd Jones	The Tulsa Tribune Co.
Tulsa World	N. G. Henthorne	World Publishing Co.
Stillwater News Press	C. R. Bellatte	

OREGON

Baker Democrat Herald	Lucien P. Arant	Baker Democrat-Herald, Inc.
Corvallis Daily Gazette-Times	Claude E. Ingalls	The Corvallis Gazette-Times, Inc.
Eugene Register-Guard	Alton F. Baker Wm. M. Tugman	Guard Publishing Co.
Grants Pass Daily Courier	A. E. Voorhies	A. E. Voorhies.
Klamath Falls Evening Herald	Frank Jenkins	The Herald Publishing Co.
Klamath Falls Daily News	do	The News Publishing Co.
Medford Mail Tribune	Robert W. Ruhl	Medford Printing Co.
Pendleton East Oregonian	Edwin B. Aldrich	East Oregon Publishing Co.
Portland Morning Oregonian & Sunday Oregonian.	Palmer Hoyt	Oregonian Publishing Co.

[fol. 124]

OREGON—continued

Newspaper	Representative	Member
Roseburg News-Review	Harris Ellsworth	News-Review Co., Inc.
Salem Capital-Journal	George Putnam	George Putnam.
Salem Oregon Statesman	Charles A. Sprague	Statesman Publishing Co., Inc.
The Dalles Chronicle	Ben R. Litfin	Ben R. Litfin.

PENNSYLVANIA

Allentown Morning Call & Sunday Call-Chronicle.	David A. Miller	Allentown Call Publishing Co.
Allentown Evening Chronicle	Royal W. Weiler	The Chronicle & News Publishing Co.
Altoona Tribune	Henry W. Shoemaker	The Times-Tribune Co.
Bangor Daily News	John L. Murray	The Evening Post Co.
Beaver Falls News-Tribune	James H. Marrin	Tribune Printing Co.
Bethlehem Globe-Times	Harold B. Farquhar	The Bethlehem Globe Printing Co.
Bloomsburg Morning Press	Paul R. Eyerly	Vanderslice & Eyerly.
Bradford Era	Robert P. Habgood	Era Publishing Co.
Carbondale Leader	Geo. J. Turner	The Pioneer Press, Inc..
Chambersburg Public Opinion	Herbert S. Foltz	The Public Opinion Co.
Clearfield Progress	G. Albert Stewart	Progressive Publishing Co.
Coatesville Record	C. H. Heintzelman	C. H. Heintzelman.
Corry Evening Journal	Arthur Colegrove	Mrs. A. D. & Arthur Colegrove.
Donora Herald American	Grover W. Boyd	Herald-American, Inc.
Easton Express	J. L. Stackhouse	Easton Publishing Co.
Easton Free Press	Rolland W. Adams	Plain Dealer Publishing Co., Inc.
Ellwood City Ledger	Will C. Kegal	Citizens Publishing & Printing Co.
Erie Dispatch-Herald	R. J. Virtue	Record Publishing Co. of Erie.
Gettysburg Times	Robert B. McClean	Times & News Publishing Co.
Greensburg Morning Review	E. Arthur Sweeny	Tribune-Review Publishing Co.
Greenville Record-Argus	John L. Morrison	John L. Morrison.
Hanover Sun	Hugh B. Hostetter	Evening Sun Co. (Evening).
Harrisburg Telegraph	Albert H. Stackpole	The Telegraph Printing Co.
Harrisburg Patriot	Vance C. McCormick	The Patriot Co.
Hazleton Plain Speaker	Frank Walser	J. R. Dershuck & Henry Walser.
Hazelton Standard Sentinel	Henry Walser	Do.
Indiana Evening Gazette	N. Dewitt Ray	Indiana Printing & Publishing Co.
Johnstown Democrat	John C. Sheridan	Johnstown Democrat Co., Inc.
Johnstown Tribune	Walter W. Krebs	The Johnstown Tribune Printing Co.
Lancaster New Era	John F. Steinman	New Era Co.
Lancaster Intelligencer-Journal & Sunday News.	J. H. Steinman	Steinman & Steinman.
Lansford Evening Record	John R. Watkins	John R., Wm. W., David G., Jr., and Cilla D. Watkins.
Lebanon Daily News-Times	Henry L. Wilder	Lebanon News Publishing Co.
Lehighton Leader	Guy V. Morthimer	Guy V. Morthimer.
Lock Haven Express	Frank D. O'Reilly	Lock Haven Express Printing Co.
Kane Republican	G. Scott Smith	The Kane Republican Co.
Mauch Chunk Times-News	James J. Boyle	James J. Boyle.
Meadville Evening Republican	Edward Irving Bates	The Tribune Publishing Co.
Meadville Tribune-Republican	Robert S. Bates	Do.
Montrose Independent	Braton R. Gardner	Montrose Publishing Co.
Oil City Blizzard	John O'Donnell	The Derrick Publishing Co.
Oil City Derrick	Edward P. Boyle	Do.
Philadelphia Evening Bulletin	Robert McLean	Bulletin Co.
Philadelphia Gazette-Democrat	Louis Mayer	Philadelphia Gazette Publishing Co.
Philadelphia Inquirer	M. L. Annenberg	Philadelphia Inquirer Co.

[fol. 125]

PENNSYLVANIA—continued

Newspaper	Representative	Member
Philadelphia Evening Public Ledger.	Robt. Cresswell	Public Ledger, Inc.
Philadelphia Record	J. David Stern	Philadelphia Record Co.
Phoenixville Republican	E. J. Breece	Phoenixville Publishing Co.
Pittsburgh Post-Gazette	O. J. Keller	P. G. Publishing Co.
Pittsburgh Sun-Telegraph	H. M. Bitner	Pittsburgh Publishing Co.
Pottstown Mercury and News	Wm. M. Hiester	The Pottstown Daily News Publishing Co.
Pottsville Republican	J. H. Zerbey, Jr.	J. H. Zerbey Newspapers, Inc.
Reading Eagle	Hawley Quier	Reading Eagle Co.
Reading Times	James E. Keller	Do.
Sayre Evening Times	A. R. Michener	The Sayre Printing Co.
St. Marys Daily Press	W. G. Bauer	Daily Press Publishing Co.
Scranton Tribune	M. L. Goodman	Scranton Republican Publishing Co.
Scranton Times	E. J. Lynott	E. J. Lynott.
Somerset Daily American	Henry Baker Reiley	Somerset Newspapers, Inc.
Stroudsburg Record	N. A. Frantz	Monroe Publishing Co., Inc.
Sunbury Daily Item	Lewis Dewart	Daily Publishing Co.
Titusville Herald	E. T. Stevenson	The Titusville Herald, Inc.
Towanda Daily Review	David M. Turner	The Towanda Printing Co.
Uniontown Herald	C. D. Harader	Uniontown Newspapers, Inc.
Warren Times-Mirror	W. A. Walker	Times Publishing Co.
Washington Observer	Mrs. J. L. Stewart	Observer Publishing Co.
Waynesboro Record Herald	Floyd Chalfant	The Record-Herald Publishing Co., Inc.
Waynesburg Democrat-Messenger.	J. T. Robinson	The Democrat Publishing Co.
Wilkes-Barre Record	L. J. Van Laeys	The Wilkes-Barre Publishing Co.
Wilkes-Barre Times Leader	Ernest G. Smith	Do.
Williamsport Gazette & Bulletin	E. W. Case	The Sun Gazette Company.
Williamsport Grit	George R. Lamade	Grit Publishing Co.
Williamsport Sun	John E. Person	The Sun Gazette Co.
York Dispatch	H. W. Young	Dispatch Publishing Co.
York Gazette & Daily	J. W. Gitt	York Gazette Co.
RHODE ISLAND		
Newport Herald	W. D. Hazard	Newport Herald Corp.
Newport Daily News	George Burdick	The Edward A. Sherman Publishing Co.
Pawtucket Times	Stanley T. Black	Times Publishing Co.
Providence Bulletin	Stephen O. Metcalf	Providence Journal Co.
Providence Journal	Geo. Pierce Metcalf	Do.
Westerly Daily Sun	George B. Utter	The Utter Co.
Woonsocket Evening Call	Buell W. Hudson	The Evening Call Publishing Co
SOUTH CAROLINA		
Anderson Mail	B. Palmer	Independent Publishing Co.
Anderson Independent	Wilton E. Hall	Do.
Charleston News & Courier	Robert E. Manigault	The News & Courier Co.
Charleston Evening Post	Fay O. Emerson	Evening Post Publishing Co.
Columbia Record	G. A. Buchanan, Jr.	Record Publishing Co.
Columbia State	William Elliott	The State Co.
Florence Morning News	J. M. O'Dowd	Florence Printing Co.
Greenville Daily News	Roger C. Peace	The Greenville News-Piedmont Co.
Greenville Daily Piedmont	Judson W. Chapman	Do.

[fol. 126]

SOUTH CAROLINA—continued

Newspaper	Representative	Member
Greenwood Index-Journal	Harry L. Watson	The Index Journal Co.
Orangeburg Times & Democrat	James Izlar Sims	Sims Publishing Co.
Rock Hill Herald	A. W. Huckle	Herald Publishing Co.
Spartanburg Herald	James F. Crook	Spartanburg Herald-Journal Co.
Spartanburg Journal	S. S. Wallace, Jr.	Do.
Sumter Daily Item	H. G. Osteen	Osteen Publishing Co., Inc.
Union Times	Lewis M. Rice	The Union Times Co.

SOUTH DAKOTA

Aberdeen American News	Eric Ridder Henry J. Schmitt	Aberdeen News Co.
Deadwood Daily Pioneer Times	Leland V. Morford	Morford Brothers.
Hot Springs Star	C. J. Twomey	Star Publishing Co.
Huron Evening Huronite	Robert D. Lusk	Huron Publishing Co.
Lead Call	John A. Stanley	The Call Publishing Co.
Madison Daily Leader	J. F. Stahl	J. F. & Margaret E. Stahl.
Mitchell Daily Republic	W. R. Ronald	The Mitchell Publishing Co.
Pierre Capital Journal	Robert B. Hipple	Hipple Printing Co.
Rapid City Daily Journal	R. W. Hitchcock	Journal Publishing Co.
Sioux Falls Daily Argus Leader	C. M. Day	The Argus-Leader Co.
Watertown Public Opinion	S. X. Way	Watertown Public Opinion Co.
Yankton Press & Dakotan	Fred H. Monfore	Yankton Printing Co.

TENNESSEE

Chattanooga News-Free Press	Roy McDonald	Chattanooga News-Free Press Co.
Chattanooga Times	Julius Ochs Adler Arthur Shelby Ochs	Times Printing Co.
Clarksville Daily Leaf Chronicle	M. Stratton Foster	Leaf Chronicle Co., Inc.
Dyersburg State Gazette	Harvey A. Nelson	State Gazette Publishing Co.
Elizabethton Star	M. S. Bangs	Elizabeth Star, Inc.
Greeneville Democrat Sun	Mrs. E. O. Susong	E. O. Susong, W. Hand, W. M. O'Keefe.
Jackson Sun	C. E. Pigford	Sun Publishing Co.
Johnson City Chronicle	Carl A. Jones, Jr.	Press, Inc.
Johnson City Press	Carl A. Jones	Do.
Kingsport Times	J. W. West	Kingsport Publishing Co., Inc.
Knoxville Journal	Roy N. Lotspeich	Knoxville Publishing Co.
Memphis Commercial Appeal	John H. Sorrells	Memphis Commercail Appeal Co.
Morristown Daily Gazette & Mail	John E. Helms, Jr.	John E. Helms, Jr.
Murfreesboro Daily News Journal.	Jack McFarland	Mid-South Pubishing Co., Inc.
Nashville Banner	James G. Stahlman	Nashville Banner Publishing Co.
Nashville Tennessean	Silliman Evans	The Tennessean Newspapers, Inc.
Paris Post-Intelligencer	W. P. Williams	W. P. Williams.
Union City Daily Messenger	Ed. S. Critchlow	Ed. S. Critchlow.

TEXAS

Abilene Daily Reporter-News	Wendell Bedichek	Reporter Publishing Co.
Abilene Reporter News	M. B. Hanks	Do
Amarillo Globe	Gene A. Howe	Globe News Publishing Co., Inc.
Amarillo News	John L. McCarty	Do.
Athens Daily Review	A. M. Barnes	Athens Daily Review.
Austin American	Charles E. Marsh	American Publishing Co.

[fol. 127]

TEXAS—continued

Newspaper	Representative	Member
Austin Statesman	Louis N. Goldberg	American Publishing Co.
Beaumont Enterprise	Alfred Jones	The Enterprise Co.
Beaumont Journal	E. C. Davis	Do.
Big Spring Herald	R. W. Whipsky	Big Spring Herald, Inc.
Borger Harold	David M. Warren	Pan-Handle Publishing Co., Inc.
Brownsville Herald	J. M. Stein	Brownsville Herald Publishing Co.
Bryan Eagle	Mrs. Lee J. Rountree	Eagle Printing Co.
Clarksville Times	S. B. Fryar	The Clarksville Times Co
Corpus Christi Caller & Caller Times.	Roy Miller	Caller-Times Publishing Co.
Corpus Christi Times	Geo. R. Kunkel	Do.
Corsicana Sun	Lynne A. Wortham	Sun Light Publishing Co.
Dallas News	George B. Dealey	A. H. Belo Corporation.
Dallas Daily Times-Herald	Tom C. Gooch	The Times-Herald Printing Co.
Del Rio News-Herald	Louis F. Leurig	The Del Rio Publishing Co., Inc
Denison Herald	Millard Cope	Denison Herald, Inc.
Denton Record & Chronicle	R. J. Edwards	Record & Chronicle Co.
Edinburg Daily Review	W. R. Montgomery	Review Printing Co.
El Paso Times	D. D. Roderick	El Paso Times, Inc.
Fort Worth Star-Telegram	James M. North, Jr. Amon G. Carter	Carter Publications, Inc.
Gainesville Register & Messenger.	C. H. Leonard	Register Printing Co.
Galveston News	Louis C. Elbert	The News Publishing Co.
Galveston Tribune	Silas B. Ragsdale	Do.
Greenville Banner	Paul Ende Horton	Banner Publishing Co.
Greenville Herald	Tom R. Poole	The Herald Publishing Co.
Harlingen Valley Morning Star	Van R. Wiggins	The Valley Publishing Co.
Hillsboro Mirror	Mrs. Agnes Campbell	Texas Novelty Advertising Co.
Houston Chronicle	Jesse H. Jones	Houston Chronicle Publishing Co.
Houston Post	W. P. Hobby	Houston Printing Corporation.
Jacksonville Daily Progress	Raymond West	John E. McFarland & Raymond West.
Laredo Times	Wm. Prescott Allen	Laredo Daily Times, Inc.
Longview News	Carl L. Estes	The Longview News Co.
Longview Journal & Sunday News Journal.	S. A. Parker	Do.
Lubbock Morning Avalanche	Parker F. Prouty	Avalanche-Journal Publishing Co., Inc.
Lubbock Journal	Charles A. Guy	Do.
Lamesa Dawson County Courier	Joe Alexander	Joe Alexander.
Lufkin News	Jack C. McDermott	The Lufkin Publishing Co.
McAllen Valley Evening Monitor	Si Casady	Valley Evening Monitor, Inc.
Marlin Democrat	J. M. Kennedy	J. M. Kennedy.
Marshall News-Messenger	Riley Cross	Marshall Publishing Co.
Midland Reporter-Telegram	James N. Allison	James N. Allison.
Odessa American	R. Henderson Shiffler	News-Times Publishing Co.
Orange Leader	J. B. Quigley	Orange Leader Publishing Co.
Palestine Herald	W. M. Hamilton	W. M. & H. V. Hamilton.
Palestine Press	Lester Hamilton	W. M. Hamilton & Sons.
Pampa Daily News	Tex De Weese	R. C., Clarence, Hagry, Mabel Hoiles, Trustee Jane & Mabel Hoiles.
Paris News	A. G. Pat Mayse	North Texas Publishing Co.
Plainview Herald	Herbert S. Hilburn	Herald-News Publishing Co., Inc.
Port Arthur News	James E. Day	News Publishing Co.
San Angelo Times	Dean Chenoweth	San Angelo Standard, Inc.
San Angelo Evening Standard	Houston Harte	Do.

[fol. 128]

TEXAS—continued

Newspaper	Representative	Member
San Antonio Express	F. G. Huntress	Express Publishing Co.
San Antonio Light	W. McIntosh	The Light Publishing Co.
San Antonio Evening News	F. G. Huntress, Jr.	Express Publishing Co.
Sherman Democrat	J. Newell Johnston	Sherman Democrat, Inc.
Sulphur Springs News-Telegram	Eric Bagwell	The Echo Publishing Co.
Temple Daily Telegram	Frank W. Mayborn	Bell Publishing Co.
Texarkana Gazette	Henry Humphrey	Texarkana Newspapers, Inc.
Tyler-Courier-Times	Mrs. T. B. Butler	Courier-Times Publishing Co.
Tyler Morning Telegraph	Mrs. S. C. Butler	Do.
Vernon Record	Raymond H. Nichols	The Vernon Record, Inc.
Waco News-Tribune	E. S. Fentress	Southern Publishing Co.
Waco Times-Herald	Frank Baldwin	Do.
Weatherford Herald	A. C. MacNelly	Herald Publishing Co.
Wichita Falls Record-News	B. D. Donnell	The Times Publishing Co.
Wichita Falls Times	Ed. Howard	Do.
UTAH		
Ogden Standard-Examiner	A. L. Glasmann	Standard Examiner Publishing Co.
Salt Lake Deseret Evening News	Sylvester G. Cannon	Deseret News Publishing Co.
Salt Lake Telegram	Arthur L. Fish	Telegram Publishing Co.
Salt Lake Tribune	Thomas F. Kearns	The Salt Lake Tribune Publishing Co.
VERMONT		
Barre Times	Dean H. Perry	Barre Daily Times, Inc.
Bennington Banner	F. E. Howe	Frank E. Howe.
Brattleboro Reformer	Howard C. Rice	Brattleboro Publishing Co.
Burlington Free Press	David W. Howe	The Free Press Association.
Burlington News	C. P. Hasbrook	Do.
Montpelier Argus	M. F. Atkins	The Argus & Patriot Co.
Newport Daily Express	Franx A. Hunt	Express & Standard Corp.
Rutland Herald	William Field	Harold & Globe Association.
St. Albans Messenger	William Loeb	St. Albans Publishing Co., Inc.
St. Johnsbury Caledonian-Record	H. A. Smith	The Caledonian-Record Publishing Co., Inc.
VIRGINIA		
Bristol Herald-Courier	Charles J. Harkrader	Bristol Publishing Corp.
Bristol News-Bulletin	Mrs. L. M. Harkrader	Do.
Charlottesville College Topics	J. Gordon Lindsay	J. H. Lindsay, Inc.
Charlottesville Daily Progress	do	J. G. Lindsay.
Covington Virginian	Richard F. Beirne, Sr.	The Covington Virginian, Inc.
Danville Bee	A. A. Farley	E. Stuart James.
Danville Register	Miss Sara C. Powell	Do.
Fredericksburg Free Lance-Star	Josiah P. Rowe, Jr.	The Free Lance Star Publishing Co., Inc.
Harrisonburg News-Record	H. F. Byrd	Rockingham Publishing Co.
Hot Springs Telegraph	Charles R. Barnes	The Covington Virginian, Inc.
Lynchburg Advance	Powell Glass	Carter Glass.
Lynchburg News	Carter Glass, Jr.	Do.
Martinsville Daily Bulletin	Wm. C. Barnes	The Bulletin Newspaper Corp.
Newport News Daily Press	Raymond B. Bottom	The Daily-Press, Inc.
Newport News Times-Herald	Lewis T. Jester	Do.
Norfolk Ledger-Dispatch	S. L. Slover	Ledger-Dispatch Corp.
Norfolk Virginian-Pilot	P. S. Huber	Norfolk Newspapers, Inc.

[fol. 129]

VIRGINIA—continued

Newspaper	Representative	Member
Petersburg Progress Index	L. B. Huber	Petersburg Newspapers, Corp.
Portsmouth Star	Norman R. Hamilton	Portsmouth Star Publishing Corp.
Pulaski Southwest Times	Howard R. Imboden	Southwest Publishing Co., Inc.
Richmond News-Leader	John Stewart Bryan	The News-Leader Co.
Richmond Times Dispatch	John D. Wise	Times-Dispatch Publishing Co., Inc.
Roanoke Times	William B. Smith	Times-World Corp.
Roanoke World-News	Junius P. Fishburn	Do.
Staunton Evening Leader	E. W. Opie	The Staunton Leader Publishing Co., Inc.
Staunton News-Leader	H. L. Opie	Do.
Strasburg Northern Virginia Daily	E. E. Keister	Shenandoah Publishing House, Inc.
Suffolk News-Herald	C. Marshall Johnson	Suffolk News Company, Inc.
Waynesboro News-Virginian	Louis Spilman	Waynesboro Publishing Corp.
Winchester Star	Harry F. Byrd, Jr.	E. Rolling Byrd.

WASHINGTON

Aberdeen World	W. A. Rupp	Grays Harbor Publishing Co., Inc.
Bellingham Herald	Charles L. Sefrit	Bellingham Publishing Co.
Bellingham Herald	Frank I. Sefrit	Do.
Bremerton News-Searchlight	John H. Jessup	W. B. Jessup & Sons, Inc.
Centralia Daily Chronicle	R. W. Edinger	The Centralia Printing Co.
Ellensburg Record	J. Clifford Kaynor	The Record Press, Inc.
Everett Daily Herald	Mrs. Gertrude D. Best	The Daily Herald Company.
Everett Daily Herald	Robert D. Best	Do.
Hoquiam Grays Harbor Washingtonian.	Russell V. Mack	Grays Harbor Washingtonian Inc.
Longview Daily News	J. M. McClelland	Longview Publishing Co.
Olympia Daily Olympian	O. W. Perkins	Washington Recorder Publishing Co.
Olympia Daily Olympian (Sun)	S. A. Perkins	Do.
Port Angeles Evening News	Charles N. Webster	Port Angeles Evening News, Inc.
Seattle Post Intelligencer	John Boettiger	Hearst Publications, Inc.
Seattle Times	Wm. K. Blethen	Seattle Times Company.
Spokane Chronicle	W. H. Cowles, Jr.	Spokane Chronicle Co.
Spokane-Spokesman-Review	W. H. Cowles	Cowles Publishing Co.
Tacoma Daily Ledger & Sunday Ledger.	Frank S. Baker	The Tribune Publishing Co.
Tacoma News Tribune	Charles B. Welch	Do.
Vancouver Columbian	Richard L. Backman	Vancouver Evening Columbian.
Walla Walla Union-Bulletin	John G. Kelly	Bulletin Printing Co.
Walla Walla Union Bulletin & Sunday Union Bulletin.	Don C. Sherwood	Do.
Wenatchee Daily World	W. W. Woods Rufus Woods	World Publishing Co.
Yakima Herald	W. H. Robertson	Republic Publishing Co.
Yakima Republic	Miss S. I. Anthon	Do.

WEST VIRGINIA

Beckley Post-Herald & Sunday Register.	Ted McDowell	Beckley Newspapers Corp.
Beckley Raleigh Register	Charles Hodel	Do.
Bluefield Sunset News	H. I. Shott, Jr.	Daily Telegraph Printing Co.
Bluefield Telegraph	H. I. Shott	Do.

[fol. 130]

WEST VIRGINIA—continued

Newspaper	Representative	Member
Charleston Daily Mail	Walter E. Clark	Charleston Mail Association.
Charleston Gazette	W. E. Chilton, Jr.	The Daily Gazette Co.
Clarksburg Exponent, Sunday Exponent-Telegram.	John S. Stump, Jr.	Clarksburg Publishing Co.
Clarksburg Telegram	Cecil B. Highland	Do.
Elkins Inter-Mountain	Roddin G. Bush	The Teter Publishing Co.
Fairmont Times	C. E. Smith	Fairmont Newspaper Publishing Co.
Fairmont West Virginia	Arlo DeBrucque	Do.
Grafton Sentinel	James F. Holt	Alice B. & Jas. F. Holt.
Hinton Daily News	Miss Margaret L. Ogden.	Hinton Daily News Co.
Huntington Advertiser	J. H. Long	Huntington Publishing Co.
Huntington Herald-Dispatch, Sunday Herald-Advertiser.	Dave Gideon	Do.
Logan Banner	Clarence H. Frey	The Logan Banner, Inc.
Martinsburg Journal	C. W. Morrison	Martinsburg Journal Co.
Morgantown Dominion News	Miss Jane Greer	W. Va. Newspaper Publishing Co.
Morgantown Post	Herbert C. Greer	Do.
Moundsville Echo	S. C. Shaw	S. C. Shaw.
Parkersburg News	W. E. Ingersoll	Parkersburg Publishing Co.
Point Pleasant Register	H. C. Clark	Point Pleasant Register Co.
Welch Daily News	W. R. Keyser	The Welch Publishing Co.
Wheeling Intelligencer & Sunday News.	H. C. Ogden	Intelligencer Publishing Co.
White Sulphur Evening Telegraph.	Richard F. Beirne, Jr.	The Covington Virginian, Inc.
Williamson Daily News	H. G. Clark	Williamson Daily News Co.

WISCONSIN

Antigo Daily Journal	Henry Berner	Berner Bros. Publishing Co.
Appleton Post-Crescent	Andrew B. Turnbull	Post Publishing Co.
Chippewa Falls Herald-Telegram	W. H. Gharrity	Herald-Telegram Publishing Co.
Eau Claire Leader	Marshall B. Atkinson	Eau Claire Press Co.
Eau Claire Telegram		Do.
Fond du Lac Commonwealth Reporter.	Charles F. Coffman	The Reporter Printing Co.
Green Bay Press-Gazette	Victor I. Minahan	Green Bay Newspaper Co.
Janesville Gazette	Robert W. Bliss	Gazette Printing Co.
Kenosha News	Ralph S. Kingsley	Kenosha News Publishing Co.
LaCrosse Tribune & Leader Press.	Wm. T. Burgess	The LaCross Tribune Co.
Madison Capital-Times	Wm. T. Evjue	The Capital Times Publishing Co.
Manitowoc Herald-Times	R. T. Bayne	Manitowoc Newspapers, Inc.
Marinette Eagle Star	Linwood I. Noyes	Eagle Printing Co.
Marshfield News-Herald	Howard A. Quirt	News Publishing Co.
Milwaukee Journal	Marvin H. Creager	The Journal Co.
Milwaukee Sentinel; Sunday Sentinel & Milwaukee Telegram.	H. H. Fris	American Newspapers, Inc.
Monroe Evening Times	Emery A. Odell	Emery A. Odell.
Oshkosh Daily Northwestern	Oscar J. Hardy	Oshkosh Northwestern Co.
Racine Journal-Times	F. R. Starbuck	The Journal Times Co.
Rhinelander News	Clifford G. Ferris	Rhinelander Publishing Co.
Shawano Evening Leader	Mrs. J. P. Heal	The Leader Publishing Co.
Sheboygan Press	C. E. Broughton	Press Publishing Co.

[fol. 131–132]

WISCONSIN—continued

Newspaper	Representative	Member
Stevens Point Daily Journal	Guy W. Rogers	Journal Printing Co. of Stevens Point, Wis.
Superior Telegram	Morgan Murphy	Evening Telegram Co.
Two Rivers Reporter & Chronicle	Seymour Althen	Two Rivers Reporter, Inc.
Wausau Record-Herald	J. C. Sturtevant	The Record-Herald Co.
Wisconsin Rapids Daily Tribune	Wm. F. Huffman	Wisconsin Rapids Tribune Co.

WYOMING

Casper Tribune & Herald	J. E. Hanway	Times Publishing Co.
Cheyenne Wyoming State Tribune-Cheyenne State Leader	Tracy McCracken	Tribune Publishing Co.
Laramie Republican-Boomerang	C. Stanley Greenbaum	Republican Publishing Co.
Sheridan Press	D. P. B. Marshall	Sheridan Press, Inc.

[fol. 133] IN DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

[Title omitted]

ANSWER OF THE ASSOCIATED PRESS, ET AL.

To the Honorable the Judges of the District Court of the United States for the Southern District of New York:

Now come The Associated Press, Paul Bellamy, George Francis Booth, John Cowles, William Hutchinson Cowles, Edward King Gaylord, Houston Harte, Josh L. Horne, Clark Howell, Jr., Joseph Russell Knowland, Robert McLean, Leonard Kimball Nicholson, Frank Brett Noyes, Paul Patterson, Stuart Hoffman Perry, E. Lansing Ray, Edward Hubert Butler, The Adrian Telegram, The A. S. Abell Company, Bulletin Company, The Constitution Publishing Company, Cowles Publishing Company, The Evening Star Newspaper Company, The Kansas City Star Company, The Oklahoma Publishing Co., The Register and Tribune Company, Rocky Mount Publishing Co., Globe Democrat Publishing Co., San Angelo Standard, Inc., The Times-Picayune Publishing Company, The Tribune Publishing Co., and Worcester Telegram Publishing Co., Inc., defendants in the above entitled action, and by their attorneys, Milbank, [fol. 134] Tweed & Hope, for their answer to the complaint herein respectfully show upon information and belief as follows:

1. The Associated Press (hereinafter sometimes referred to as "AP") is a mutual cooperative enterprise dedicated to the maintenance of a complete, accurate and unbiased report of the news. It is neither a monopoly nor has it tended to become such. On the contrary, competition with AP has steadily increased since AP was organized, and such competition has been fostered rather than hindered by the very provisions of AP's bylaws which the Government now challenges as constituting an undue and unreasonable restraint of trade. Chief among such provisions are the requirements (1) that applicants for membership in a territory served by an existing member be admitted to membership only by the affirmative vote of not less than a majority of the members voting on the application, and (2) that regular members of AP furnish the news of their respective

localities only to AP, and that AP serve no newspapers other than those owned by its members. The bylaws of AP have contained such provisions for the past forty-two years. From time to time, between 1900 and April, 1942, applications of various owners of newspapers were acted upon by the members of AP in accordance with the first of said provisions. Some of such applications were granted and some rejected. In 1915, the then Attorney General of the United States rendered an official opinion that the said provisions were lawful:

> "* * * it is no violation of the Anti-Trust Act for a group of newspapers to form an association to collect and distribute news for their common benefit, and to that end to agree to furnish the news collected by them only to each other or to the Association; provided that no attempt is made to prevent the members from purchasing or otherwise obtaining news from rival agencies. And if that is true the corollary must be true, namely, that newspapers desiring to form and maintain such an organization may determine who shall be and who shall not be their associates.
> [fol. 135] "This, of course, is not to say that such an association might not develop into an unlawful monopoly. The facts adduced, however, in my opinion do not show that that has happened in the case of The Associated Press."

The complaint does not allege, and it is not the fact, that AP prevents or attempts to prevent its members from purchasing or otherwise obtaining news from rival agencies. Instead of AP developing into a monopoly since the Attorney General rendered his opinion in 1915, the competition between AP and other news agencies has become increasingly severe.

2. For forty-two years the Government, well knowing the provisions of the bylaws now complained of and the rejection of certain applications for membership in AP, did not bring to any court or governmental body any complaint that the said provisions, or any of them, constituted an undue or unreasonable restraint of trade, or that AP had monopolized or attempted to monopolize the collection or distribution of news, or that AP had in any way violated the anti-trust statutes of the United States.

3. In December, 1941, one Marshall Field commenced publication in Chicago, Illinois, of a newspaper called *The Chicago Sun*. At the annual meeting of the members of AP in April, 1942, Field's application for membership was rejected by a vote of more than two to one. This action was instituted by the Government shortly thereafter.

4. It is the fundamental law of the land that no statute shall be so construed as to abridge the freedom of the press. A free press requires that newspapers shall be free to collect and distribute the news in accordance with principles and standards established by themselves, and that they shall be free to choose their associates in so doing. This right is now challenged by means of a novel interpretation of the anti-trust statutes, which is designed to foster a particular [fol. 136] newspaper, to wit, the said *The Chicago Sun*. A corollary of the assertion by the Government of the right to foster one newspaper is the assertion by the Government of the right to destroy another newspaper. A corollary of the assertion by the Government of the right to determine who may be associates in collecting and distributing news is the assertion by the Government of the right to determine what news shall be collected and distributed and under what conditions. The Congress has never asserted any right or power to regulate newspapers or news agencies in the collection or distribution of news.

5. The Associated Press is a mutual cooperative association of 1252 members who are the owners of newspapers published throughout the United States and in certain other parts of the world. As stated in its charter, AP is "a mutual and co-operative organization for the collection and interchange, with greater economy and efficiency, of information and intelligence for publication in the newspapers owned" by its members. AP is prohibited by its charter from making a profit or declaring dividends. The defendants deny the averment contained in paragraph 2 that AP is engaged in a commercial business.

6. AP was organized in 1900, and for forty-two years has been furnishing to its members a news service which the Government itself characterizes as embodying the highest standards of accurate, nonpartisan and comprehensive news reporting. The nature of the service furnished by AP and the resulting contribution which AP has made to the dis-

semination of complete and unbiased information of world events and conditions are not fortuitous, but stem from the very character of AP's organization. This in turn reflects the experience gained in a long-continued struggle by newspapers to obtain effective cooperative control over the news gathering and distributing facilities upon which they depend.

7. Prior to the formation in 1892 of The Associated Press of Illinois, the collection and distribution of the news of the [fol. 137] world had been largely restricted to agencies which were privately owned by small groups of newspapers. They dealt at arm's length with other newspapers to which they sold news at such profit as might be secured. Their newspaper customers had no control over the scope or character of the news reports which they purchased. Under such circumstances, the news agencies could obtain profits not only from the sale of their news reports to customers, but also from persons who, for a variety of reasons, were willing to pay for the privilege of having the news reports colored or distorted. Experience both in this country and throughout the world has long demonstrated that such is usually the result when no established cooperative news association exists to set the standard, and news gathering and distribution are restricted to commercial channels. Dissatisfaction with the privately owned and commercially operated news agencies culminated in the organization of The Associated Press of Illinois and the first practical application of the principle of world-wide cooperative news gathering by newspapers. This principle is the cornerstone of the present AP.

8. The membership of AP has more than doubled since its organization and its facilities for the gathering and distribution of news have been greatly expanded, but the basic pattern of AP and its method of operation have been substantially uniform during its entire history. Each member is under obligation to furnish to AP all of the "news of spontaneous origin" in the locality in which the member's newspaper is published. In turn, each member is entitled to receive from AP the news gathered by AP from all of its members (other than members in the same locality) and through other means. For the collection of news throughout the world, AP maintains its own news bureaus and employs its own correspondents. Such news,

together with that furnished by its members, AP distributes to its members through a country-wide network of leased wires and other means. The cost of the gathering and dis- [fol. 138] tribution of the news by AP is defrayed through assessments paid by its members.

9. The comprehensiveness of the news coverage by AP is dependent upon the cooperation of all its members in furnishing all the news of interest in their particular localities, and their willingness to expend time, effort and money to create and maintain an organization capable of gathering and distributing all news of importance with the greatest speed compatible with accuracy. The impartial and unbiased character of the news furnished to AP by its members and to the members by AP is assured by the fact that the membership represents a cross section of opinion on all issues of general interest, and by the fact that the membership has the power not only to control their cooperative enterprise but also to invoke disciplinary action against any member who departs from the standard of integrity in the reporting and publishing of AP news.

10. The basic reason why AP, in the language of the complaint (par. 66), "ranks in the forefront in public reputation and esteem" is that "the character of the organization of The Associated Press—a membership corporation composed of persons representing every shade of economic, political, and religious opinion and every section of the country—is an invaluable guarantee that the promise and claim made by each news-agency—that it presents the news without any political or sectional bias—will in fact be fulfilled." The good will which AP now enjoys results, again in the language of the complaint (par. 66), "from the fact that in the mind of the general public the name 'Associated Press' has long been regarded as synonymous with the highest standards of accurate, nonpartisan, and comprehensive news-reporting." If the members of AP were deprived of the right to choose their associates in the cooperative enterprise, the distinctive character of the organization would be destroyed and the assurance of an impartial and unbiased news report would no longer exist.

[fol. 139] 11. The claim of the Government that AP's bylaws constitute an undue and unreasonable restraint upon competition is without foundation in fact or in law.

It fails to take into account the radical difference between news and the source of news. It confuses the factors which create and maintain competition between newspapers and between news agencies. It disregards the established principle of law that news is property of which the owner has the right of disposition.

12. News is a report of the happening of an event. The source of news lies in the event itself. Access to the source of news is open to all who are willing to expend time, effort and money. News is, therefore, a product which has been created by initiative and enterprise and belongs to the producer. Its value is in direct proportion to its reliability and its newness.

13. If the news gathered through the cooperative facilities of AP and its members were required to be made available to every one, whether a member or not, the incentive of each member to contribute his time, effort and money to the upbuilding of an organization for the mutual benefit of himself and of others making a like contribution would disappear. No matter how great the contribution of the member had been, or over how long a period it had been made, he would enjoy no competitive advantage over others who had not thus ventured their time and resources. Under such circumstances, the loyalty so essential to the efficient and successful operation of a mutual enterprise could not survive. Instead of going beyond the letter of his obligation in order to maintain a superior service from which he hoped to derive his share of the benefit, each member would appraise his relationship to AP solely in the light of the immediate return to him. He would thereupon become merely a buyer and seller of news, and cooperation in a mutual enterprise would be replaced by arm's length bargaining. AP would become merely another commercial news agency.

[fol. 140] 14. The requirement of AP's bylaws that a newspaper published in the same locality served by an existing member may be elected to membership in AP only by vote of the membership is, in effect, merely a corollary of the requirement for the exclusive interchange of news between members through the agency of AP, and is in complete harmony with the theory and practice of a truly cooperative enterprise. The addition of another member

in a territory already served by an AP member does not increase the area or materially augment the scope of AP's news coverage, nor does it increase AP's revenues. If any one, merely by payment of a proportionate share of the cost of gathering and distributing the news, were automatically entitled to membership in AP, the members would cease to have any proprietary interest in the organization created and maintained through their mutual efforts. Through their continued loyalty to the enterprise, the members have created something of value to each, the benefits of which others should not be able to appropriate without making a commensurate contribution to the mutual cooperative undertaking. Automatic admission to membership, without a commensurate contribution and without the assent of a reasonable proportion of the members, would destroy the cooperative character of the enterprise.

15. The continuance of AP as a mutual cooperative enterprise enlisting the loyalty and proprietary interest of its members is of far greater importance to local newspapers in small communities than it is to large metropolitan newspapers. One reason for this is that local newspapers in small communities must place greater reliance upon a news agency for adequate news coverage; another reason is that such newspapers usually lack the financial resources with which to compete against a newspaper which is launched by a powerful individual or group of individuals for the particular purpose of accomplishing some selfish end.

16. However serious to each individual member the loss of his proprietary interest in AP and such resulting com- [fol. 141] petitive advantage as he may enjoy, the loss to the public would be incomparably greater. The destruction of the cooperative principle in news gathering and distribution would place these functions, so vital to the national welfare, once again exclusively in commercial channels. The standard of an impartial and unbiased reporting of the news which has been achieved by the operation of AP under the control of its members, could not survive the transition of such members to the role of mere customers purchasing news on a price basis.

17. When AP was organized in 1900, there were no other news agencies of comparable size or importance. In

1907, the present United Press Associations (hereinafter sometimes referred to as "UP"), and in 1909, International News Service (hereinafter sometimes referred to as "INS") were established. Both UP and INS have largely expanded in the intervening years. The Government itself alleges that at the present time UP furnishes news to approximately 900 newspapers, as against 1246 in the United States presently served by AP; and that INS similarly serves approximately 325 newspapers. AP has never monopolized or attempted to monopolize the collection or distribution of news.

18. The growth of competing news agencies has been fostered instead of hampered by AP through the restriction of AP's service to its own members. Were AP obliged to admit to membership every newspaper which was prepared to pay its pro rata share of the cost of gathering and distributing the news, AP would not only become a commercial news agency but, in view of the good will attaching to its name over a long period of years, it might well become the only news agency furnishing complete news coverage. The presently unfounded charge of monopoly in the collection and distribution of news might then be substantiated in fact.

19. There can be no monopoly with respect to the sources of news which are open to anyone willing to expend the ef- [fol. 142] fort and money required to report them. Neither can there be a monopoly of the facilities for the transmission of news, which are, and throughout the history of AP have been, freely open to every one on the same terms.

20. Deny the averments contained in paragraph 3.

21. The averments contained in paragraphs 22 to 25 and 27 to 39, inclusive, that the defendants therein mentioned are engaged in interstate commerce, being conclusions of law, are neither admitted nor denied. The defendants deny the averments contained in paragraph 22 that Edward Hubert Butler is individually a member of AP and engaged in publishing the *Buffalo Evening News*, and aver that said Edward Hubert Butler is such member and so engaged individually and as trustee under the Last Will and Testament of Edward H. Butler, deceased.

22. Deny the averments contained in paragraph 26.

23. Deny the averments contained in paragraph 41.

24. The following averments contained in paragraph 42 are true: that newspapers supply a necessity and that their business affects the national interest; that public opinion is affected by the extent to which current, accurate and complete information of events and conditions throughout the world is made available; that the extent of such information has increased with the growth in number, range and complexity of public issues; and that the dissemination among the American people of fresh, accurate and world-wide news of current events and conditions through the instrumentality of newspapers is of vital importance to the national welfare. The defendants aver that AP was organized for the precise purpose of making possible the dissemination of such news, and that the cooperative character of its organization has been and is directly responsible for the accomplishment of such purpose and the rendering by AP of a service which the Government itself acknowledges to be of vital importance to the national welfare. The [fol. 443] defendants are without knowledge or information sufficient to form a belief as to the truth of the other averments contained in the said paragraph.

25. The following averments contained in paragraph 43 are true: that the national policy in favor of freedom of the press requires that newspapers be unhampered and unrestrained in selecting the particular news they choose to publish, in emphasizing it and in expressing any accompanying viewpoint or opinion, and that they be unhampered in their choice of and free competitive access to the sources of news. It is also true that the sources of news are the events which, when reported, become news itself; they do not embrace the persons by whom or the means through which the gathering and dissemination of the news are accomplished. The defendants deny that any public policy does or legally could require a cooperative news association to make its news reports—the product of its expenditure of effort, skill and money—available to anyone who might choose to utilize them. The sources of news are as freely open to anyone and everyone who may desire access to them as they are to AP. The defendants are without knowledge or information sufficient to form a belief as to the truth of the other averments contained in the said paragraph.

26. Are without knowledge or information sufficient to form a belief as to the truth of the averments contained in the first, third and forth sentences of paragraph 44. All daily newspapers in this country have access to one or more news agencies and, in varying degrees, utilize the services thus afforded them. A number of individual newspapers and small groups of newspapers gather and distribute a large proportion of the news of outstanding world events printed by them and by others to whom such newspapers, in turn, sell the news so gathered and transmitted by their individual effort and initiative. The defendants deny that the meaning of the term "news agency" is correctly averred in the second sentence of the said paragraph.

[fol. 144] 27. The averment contained in paragraph 45 that news agencies have operated in this country for more than a century is true. The defendants are without knowledge or information sufficient to form a belief as to the truth of the other averments contained in the said paragraph.

28. Deny the averments contained in paragraph 46, except that there is a material difference in the service furnished by AP, and aver that some of the reasons for such difference are stated in paragraph 66 of the complaint.

29. Deny the averments contained in the first sentence of paragraph 47. The defendants are without knowledge or information sufficient to form a belief as to the truth of the other averments contained in the said paragraph.

30. Deny the averments contained in paragraph 48, and aver that news agencies are not common carriers or public utilities. The defendants further aver that the character of AP's organization, which the complaint seeks to destroy, is an essential factor in making possible the continuance of the service which AP now renders.

31. Deny the averments contained in the third sentence of paragraph 49.

32. Deny the averments contained in the third, fourth, fifth, seventh and twelfth sentences of paragraph 51.

33. Deny the averments contained in paragraph 52, and for the true purport and meaning of the contracts mentioned

therein, refer to the originals thereof to be produced at the trial.

34. Deny the averments contained in paragraph 56, and for the true purport and meaning of the contracts mentioned therein, refer to copies thereof attached to the complaint as Exhibits C, D and E.

35. Deny the averments contained in the first sentence of paragraph 57. The defendants are without knowledge [fol. 145] or information sufficient to form a belief as to the truth of the other averments contained in the said paragraph, except the averments following the semi-colon in the last sentence.

36. Deny the averments contained in paragraph 59, except the averment in the last sentence thereof as to the percentage of AP members not holding bonds.

37. Deny the averments contained in the first sentence of paragraph 60.

38. Deny the averment contained in the first sentence of paragraph 61 that there are only three existing American news agencies and aver that there are now and for many years have been, in addition to the news agencies therein mentioned, several other news agencies and newspapers in the United States which are engaged in collecting and distributing news to multiple newspapers. The defendants deny the averments contained in the second sentence of the said paragraph, and are without knowledge or information sufficient to form a belief as to the truth of the averments contained in the third sentence of the said paragraph.

39. Are without knowledge or information sufficient to form a belief as to the truth of the averments contained in the first, second, third, fourth, fifth, eighth and ninth sentences of paragraph 63. Answering the averment contained in the seventh sentence thereof, the defendants aver that a news picture service, doing business under the name of Acme News Photos, Inc., is an affiliate of UP and is owned and controlled by the same or substantially the same persons as the persons who own and control UP, and that the said Acme News Photos, Inc. furnishes its news picture service to a large number of newspapers. The defendants deny the averments contained in the last sentence of the said paragraph.

40. Are without knowledge or information sufficient to form a belief as to the truth of the averment contained in paragraph 64 that the expenditures of INS for news gathering are now, and generally speaking always have been, less [fol. 146] than one-half those of AP and the averments contained in the last sentence of the said paragraph. The defendants aver that a news picture service, doing business under the name of International News Photos, is an affiliate of INS and is owned and controlled by the same person who owns and controls INS, and that the said International News Photos furnishes its news picture service to a large number of newspapers.

41. Deny the averments contained in the last sentence of paragraph 65, and are without knowledge or information sufficient to form a belief as to the truth of the other averments contained in the said paragraph, except the averment contained in the fourth sentence thereof.

42. Deny the averments contained in paragraph 67.

43. Deny the averments contained in the third sentence of paragraph 68.

44. Deny the averments contained in the first and second sentences of paragraph 69.

45. Deny the averments contained in the second, fourth and fifth sentences of paragraph 71.

46. Deny the averments contained in the first sentence of paragraph 73, and aver that news photo wire transmission facilities are maintained by affiliates of both UP and INS, among others; that these affiliates are owned and controlled by the same or substantially the same persons as the persons who own and control UP and INS; that such affiliates own and control picture transmitting devices protected by letters patent; and that each claims superiority over all others in respect of its news picture service.

47. Answering the averments contained in paragraph 74, aver that affiliates of both UP and INS supply multiple newspapers with a complete feature budget comprising news feature stories with and without illustrations, news cartoons, comic strips, and other departmental features; that these affiliates are owned and controlled by the same or substantially the same persons as the persons who own

[fol. 147] and control UP and INS; and that each claims superiority over all others in respect thereof.

48. Deny the averments contained in paragraph 75, except the averment contained in the first sentence thereof.

49. Deny the averments contained in the first and second sentences of paragraph 76. The defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in the third, fourth and fifth sentences of the said paragraph.

50. Deny the averments contained in paragraph 77.

51. Deny the averments contained in paragraph 78.

52. Deny the averments contained in the first sentence of paragraph 79. The defendants deny the other averments contained in the said paragraph, and for the true purport and meaning of the charter and bylaws of the Illinois corporation, refer to copies thereof to be produced at the trial, if the same be relevant to the issues herein.

53. Deny the averments contained in the first sentence of paragraph 80, and for the true purport and meaning of the decision of the Supreme Court of Illinois mentioned therein, refer to a copy thereof to be produced at the trial if the same be relevant to the issues herein. The defendants deny the other averments contained in the said paragraph.

54. Deny the averments contained in the first sentence of paragraph 81.

55. Deny the averments contained in the first and second sentences of paragraph 82. The defendants deny the other averments contained in the said paragraph, and for the true purport and meaning of the bylaws mentioned therein, refer to a copy thereof attached to the complaint as Exhibit C.

56. Deny the averments contained in paragraph 83, and for the true purport and meaning of the bylaws mentioned therein, refer to a copy thereof attached to the complaint as Exhibit C.

[fol. 148] 57. Deny the averments contained in the first and second sentences of paragraph 84, and for the true purport and meaning of the bylaws mentioned therein, refer to

copies thereof attached to the complaint as Exhibits C, D and E. The defendants deny the other averments contained in the said paragraph.

58. Deny the averments contained in the third sentence of paragraph 85.

59. Deny the averments contained in the first, second and fifth sentences of paragraph 86. The defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in the seventh sentence thereof, except that the directors recommended election of the applicants for membership. Answering the averments contained in the third sentence of the said paragraph, the defendants aver that rights of protest were subsequently waived in respect of a large number of such applications, and that more than forty such applicants have been admitted to membership. The defendants further aver that nearly one-half of the present members of AP have been admitted to membership through waivers of rights of protest.

60. Deny the averments contained in paragraph 87, and for the true purport and meaning of the bylaws mentioned therein, refer to copies thereof attached to the complaint as Exhibits C and D.

61. Deny the averments contained in the first sentence of paragraph 88.

62. Deny the averments contained in paragraph 89, and aver that the primary consideration which has guided the directors in their determination in respect of the admission of applicants for membership has been the continued maintenance of AP as a cooperative association dedicated to the principle of a complete, accurate and unbiased report of the news.

63. Deny the averments contained in paragraph 90.

[fol. 149] 64. Deny the averments contained in paragraph 91.

65. Deny the averments contained in paragraph 93, and for the true purport and meaning of the bylaws mentioned therein, refer to a copy thereof attached to the complaint as Exhibit E.

66. Deny the averments contained in paragraph 94, and for the true purport and meaning of the bylaws mentioned therein, refer to copies thereof attached to the complaint as Exhibits C, D and E.

67. Deny the averments contained in paragraph 95.

68. Deny the averments contained in paragraph 96, and for the true purport and meaning of the bylaws mentioned therein, refer to a copy thereof attached to the complaint as Exhibit E.

69. Deny the averments contained in paragraph 97, and for the true purport and meaning of the bylaws mentioned therein, refer to a copy thereof attached to the complaint as Exhibit E.

70. Deny the averments contained in paragraph 98.

71. Deny the averments contained in paragraph 99, and for the true purport and meaning of the bylaws mentioned therein, refer to a copy thereof attached to the complaint as Exhibit E.

72. Deny the averments contained in paragraph 100, and for the true purport and meaning of the bylaws mentioned therein, refer to a copy thereof attached to the complaint as Exhibit E.

73. Deny the averments contained in paragraph 101, except in the last sentence thereof, and aver that the vote of the members of AP at the annual meeting in April, 1942 rejecting the application for membership of Marshall Field as the sole owner of *The Chicago Sun* was largely, if not entirely, due to three obstacles erected by Field and by rep- [fol. 150] resentatives of the Anti-Trust Division of the Department of Justice. The first obstacle was the fact that Field, coincident with his so-called application for membership, charged that AP was engaged in a conspiracy to violate the anti-trust laws. In substance, Field's action was a threat of litigation and not a *bona fide* application for membership in AP. The second obstacle was the fact that Field admitted that he had not acquired any newspaper plant or press with which to publish *The Chicago Sun*. There was no assurance, therefore, that he intended to continue with reasonable permanence the publication of a newspaper after

the exigencies of a particular political controversy should have ceased to exist. The third obstacle was the fact that, between the time when Field filed his application and the date of the annual meeting of AP at which action thereon was taken, many members of AP were interrogated by agents of the Anti-Trust Division of the Department of Justice concerning their attitude toward the application of Field. The scope and character of the interrogations by these agents caused many members to believe that the Anti-Trust Division intended thereby to intimidate the members into voting in favor of Field's application.

74. Deny the averment contained in paragraph 103 that Illinois Publishing & Printing Company did not utilize its AP morning membership except for the Sunday edition of the *Chicago Herald-American*.

75. Deny the averments contained in the first sentence of paragraph 104, except that Field is a responsible person in the sense that he is possessed of immense wealth, and aver that the publication of *The Chicago Sun* by Field, as the sole owner thereof, enables him to deduct from his personal income tax whatever loss he may sustain by reason thereof. The result is that the device through which Field publishes *The Chicago Sun* deprives the Government of a very large [fol. 151] amount of revenue and Field enjoys a corresponding subsidy at Government expense, which places him at a great competitive advantage over other newspaper owners who are engaged in the publishing of newspapers for a livelihood and who do not enjoy such a subsidy. The defendants deny the averments contained in the second sentence of the said paragraph.

76. Deny the averments contained in the second sentence of paragraph 105, and aver that Field, before this action was instituted, refused to enter into any contract for news picture service to *The Chicago Sun* with at least one other agency supplying such service on the ground that to do so would affect the prosecution of this action adversely to Field.

77. Answering the averments contained in the first sentence of paragraph 106, aver that many daily newspapers published in the morning are, and for many years have been, available to readers in Chicago and in the area of the Middle

West served by the *Chicago Daily Tribune*. The defendants deny the other averments contained in the said paragraph.

78. Answering the averments contained in paragraph 107, aver that the applications of Eleanor Medill Patterson as the sole owner of the *Washington Times-Herald* for membership in AP were rejected at the same meeting of the members of AP at which the application of Field for *The Chicago Sun* was rejected; and that the vote of the members rejecting the applications of Eleanor Medill Patterson was largely due to the disclosure of the activities of the Anti-Trust Division of the Department of Justice in respect of the applications of herself and Field. The defendants deny the averments contained in the last two sentences of the said paragraph.

79. Deny the averments contained in paragraph 108, except the averments contained in the first sentence thereof.

[fols. 152-153] Separate Defense

80. The alleged cause of action set forth in the complaint is based upon a construction of the Sherman Anti-Trust Act and the Clayton Act which violates the First Amendment to the Constitution of the United States in that, if the judgment prayed for herein were granted, it would abridge the freedom of the press.

Wherefore, the defendants and each of them pray that the complaint be dismissed.

Milbank, Tweed & Hope, By Timothy N. Pfeiffer, A Partner, 15 Broad Street, New York, N. Y. Attorneys for The Associated Press and the other defendants above named.

[fol. 154] In the District Court of the United States for the Southern District of New York

[Title omitted]

Answer of Tribune Company and Robert Rutherford McCormick, Defendants

The defendants Tribune Company and Robert Rutherford McCormick, by Townley, Updike & Carter and Weymouth Kirkland, their attorneys, saving and reserving all

questions relating to the sufficiency of the complaint and of the many imperfections, repetitions, immaterialities and insufficiencies therein, make answer as follows:

Jurisdiction and Venue—Paragraphs 1 to 3, pp. 2 and 3 of the Complaint

Paragraph One. The venue of this action is not disputed. These defendants deny that the court has jurisdiction to grant the relief prayed for and assert that the granting of the relief prayed for would deny to the defendants rights guaranteed to them by the Constitution of the United States, including the guaranty that freedom of speech and of the press shall not be abridged.

Paragraph Two. The Associated Press, herein called AP, is a cooperative association of newspaper owners in- [fol. 155] corporated in the year 1900 under the Membership Corporations Law of the State of New York and is engaged in collecting and dispersing news, information and intelligence. AP is not engaged in any commercial business or in trade or commerce, nor is it engaged in interstate or foreign trade or commerce: these defendants pray that this denial of the allegations of paragraph 2 be considered as a denial of the same or similar allegations frequently repeated in various paragraphs of the complaint.

Paragraph Three. The acts and conducts of the defendants do not constitute any violations of the anti-trust laws of the United States: these defendants pray that this denial be considered as an answer to the several repetitions of the allegations of paragraph 3.

The Defendants—Paragraphs 4 to 41, pp. 3 to 10 of the Complaint

Paragraph Four. The defendant Robert Rutherford McCormick, herein called McCormick, is a resident of Du Page County, Illinois, not of Chicago, Illinois; he has been since April, 1927, a member of the Board of Directors of AP. The defendant Tribune Company is a corporation organized under special act of the legislature of the State of Illinois in 1861. It is and has been since 1847 engaged in publishing a newspaper at Chicago, Illinois. It is and has been a member of AP at all times since the incorporation of AP. It is not engaged in gathering and dissemi-

nating news in interstate or foreign commerce; it is not engaged in interstate or foreign trade or commerce: these defendants pray that this denial of the allegations of paragraph 37 be considered as a denial of the same or similar allegations frequently repeated in various paragraphs of the complaint.

[fol. 156] Paragraph Five. These defendants have no information sufficient to form a belief whether the statements describing the defendants, other than AP, Tribune Company and McCormick, in paragraphs 4 to 39 are correct and, therefore, ask leave to adopt the answer of each defendant as to such allegations.

Paragraph Six. These defendants raise no question concerning this suit as a class action, but deny that any offense is set forth in the complaint or has been committed.

The Importance of Newspapers—Paragraphs 42 and 43, pp. 10 to 12 of the Complaint

Paragraph Seven. Newspapers and the press supply a necessity and are vital to the public interest. Paragraphs 42 and 43 of the complaint contain some of the factors indicative of the importance of newspapers and of the press; but there are many others. The prime importance of the press in this Republic is proved by the constitutional guaranty that Congress shall make no law abridging freedom of speech or of the press, and by the other constitutional guaranties which apply to all, including the press.

Paragraph Eight. The national policy of freedom of the press requires not only the objectives set forth in paragraph 43, but also that the government shall not interfere with free and unrestrained competition between newspapers; that the government shall not effect or grant a monopoly of the press or of the necessary implements of the press; that the government shall not determine or attempt to determine who may or may not publish a newspaper or who may or may not disseminate news nor the manner or methods by which news shall be disseminated, nor to whom. Another corollary of the national policy in this respect is that the government shall not interfere with [fol. 157] free and unrestrained competition between news-agencies; that the government shall not effect or grant a monopoly of news-agencies which are necessary implements

of the press; that the government shall not determine, or attempt to determine, who may or may not establish and operate a news-agency, or who may or may not disseminate news by means of news-agencies, nor the manner or method by which news shall be disseminated by news-agencies, nor to whom. Another corollary of such national policy is that newspapers shall be unhampered in the choice of and access to the various sources of news; but news-agencies are not sources of news—on the contrary, news-agencies exercise labor, art and skill in gathering, reporting, and disseminating news.

Paragraph Nine. There is not and cannot be a monopoly or restraint of access to the sources of news, except in so far as the government may impose prohibitions or censorship. A consequence of the national policy of freedom of the press is that as many newspapers be published as any citizen or group of citizens desire to publish, as is alleged in paragraph 43; but it is no part of this constitutional guaranty or national policy that the government shall interfere by rule, regulation or fiat to increase or lessen the number of newspapers now being published or that shall hereafter be published. The public interest is best served by having a press free from governmental regulation as to the number, kind and viewpoint. There are now no artificial or unnecessary restraints upon the establishment of newspapers, news-agencies or upon access to news sources; but, if the government shall succeed in its demands in this case, artificial and unnecessary restraints will thereby be imposed on newspapers and new-agencies in derogation of the constitutional guaranties, including that of freedom of the press.

[fol. 158] Paragraph Ten. The national policy of freedom of the press is as compelling as the national policy of freedom of speech. The press and the individual citizen are not alone to be free from restraints and controls previous to publication of their utterances but both are to be free from restraints or punishment subsequently, save only such discipline as is necessary and reasonable in the exercise of the police power of the government: both are to be free to utter or to remain silent. Freedom of speech and of the press is not alone embodied in the constitutional guaranty thereof: it lies deeply embedded in the history of our country, in the way of life of our people and in the very

concept of a republican form of government. Any compulsion by government forcing those possessing information to disseminate it at all or to disseminate it to any individual or to any group of individuals is an abridgment of freedom of speech and of the press in its most oppressive aspect, namely, control previous to publication.

Paragraph Eleven. The express constitutional guaranty of freedom of the press goes far beyond the guaranties implicitly afforded any other enterprise. The press is the only private enterprise expressly mentioned in our constitution. Even in matters in which ordinary establishments engaged in trade or commerce may be regulated, the inhibitions against control over the press must remain unimpaired. Governmental right to regulate trade and commerce can under no pretense supersede or nullify the force of the special guaranty of freedom of the press and of all that such guaranty connotes. For the same reasons the instrumentalities which serve the press are to be afforded protection against governmental encroachments. The attempt of plaintiff to induce one branch of the government—namely, the judiciary—to construe the anti-trust laws of the United States in a fashion that places the press on a common level with commercial or business enterprises [fol. 159] for the purpose of control and regulation is an assault upon the validity of the Bill of Rights and the other historic charters and precedents which have emancipated man from political servitude.

Paragraph Twelve. Another corollary of the national policy of freedom of speech and of the press is that such fundamental rights are of greatest importance, and yet they are most vulnerable, when our country is engaged in war—a war to preserve democratic processes here and elsewhere. These defendants specifically rely upon the continued acquiescence of plaintiff in the conduct of the affairs of AP from 1900 until the filing of this complaint, upon the written approval of the Department of Justice to the legality of AP operations in 1915, to be hereafter mentioned, and upon plaintiff's failure to take any action against AP until the nation has become preoccupied with winning the war and has relaxed its vigilance to preserve the guaranteed individual liberties.

The Importance of News-Agencies—Paragraphs 44 to 48, pp. 12 to 14 of the Complaint

Paragraph Thirteen. The facts set forth in paragraphs 44 to 48 regarding the importance of news-agencies are substantially correct with the following exceptions:

(a) Contrary to the allegations of paragraph 46, there are in this country today more than three news-agencies. While AP, United Press Associations, hereinafter called UP, and International News Service, hereinafter called INS, are the largest existing today, the defendants state on information and belief there are many other news-agencies in this country and many in foreign countries.

(b) Contrary to the allegations of paragraph 47, news-agencies, however large and powerful they might become, [fol. 160] do not have the ability to dictate and determine the character of news available to newspapers. It is not true that the economic nature of the business of news-agencies is such that there is no present likelihod that any other organization comparable to any of the three existing news-agencies will undertake to serve American newspapers with news gathered on a comprehensive basis; on the contrary, should these three news-agencies and the many other news-agencies presently existing fail to serve their customers properly and economically, the forces of free competition, of which news-agencies "were of necessity born," would give birth to other news-agencies. There is no restraint whatsoever upon the establishment of other news-agencies by any individual or group of individuals. There is not and cannot be any restraint or monopoly by existing news-agencies of the source of news, access to news, transmission of news, editing of news or receipt of news.

(c) There are some differences in the character and extent of the service furnished by AP, UP, or INS, but, contrary to the allegations of paragraph 46, access to the service of any particular one of these news-agencies is not determinative of the success or failure of any individual paper. Many newspapers having AP alone, or UP alone, or INS alone, have been very successful, and many newspapers having access to one or more of these three agencies have failed of success. Innumerable factors other than news-agencies make for success or failure of an individual

paper, such as honesty, independence, ability to forecast public opinion, established reputation, editorial policy, design of the press and type, location of the paper, advertising confidence, comics, features, its personnel and other factors too numerous to mention. The New York News, a daily morning paper in New York, owned by a subsidiary of defendant Tribune Company, built up a circulation in excess of 1,000,000 in eight years after it commenced publication [fol. 161] before it secured AP service by purchase. The New York Mirror, a daily morning newspaper, had a circulation in excess of 700,000 before it secured AP. The Cleveland Press, an evening newspaper successful in its community, does not have AP service today. The same is true of the Pittsburgh Press, an evening newspaper, and the Washington Times-Herald. The Bronx News, an evening daily suburban newspaper, which successfully competes with the New York papers having AP, has a circulation in excess of 105,000, and does not employ AP. The Baltimore Evening Sun became the predominant evening newspaper in its community before receiving AP and while competing with the Baltimore News, a long established paper with AP service. The Hearst interests published with great success many morning and evening papers throughout the country in large centers of population in competition with AP papers without access either to AP or UP news service or news photo service. The New York Journal, an evening newspaper published by the Hearst interests, achieved and still maintains the largest evening circulation of any newspaper in America with INS service alone; only in the last three years has the New York Journal obtained AP and UP service. Other instances can be cited. There are in the United States today over 350 newspapers having UP service which have no AP opposition in their fields and which have made no application for AP membership.

(d) News-agencies are important to newspapers, as alleged in paragraphs 44 and 45; but it is not true that news-agencies are indispensable to the survival of any newspaper or that no daily newspaper can exist without access to the service of a news-agency. Generally speaking, it is obvious that newspapers would be unable to cover the news as broadly as they now cover it if they should be denied the [fol. 162] service of any news-agency as defined in the com-

plaint—i. e. if they should be denied the right to print any news save that gathered and reported by their own staffs.

Paragraph Fourteen. The product of AP is of great national importance, as alleged in paragraph 48; but, contrary to the allegations of paragraph 48, there are no "factors which justify the requirement that The Associated Press serve newspapers needing or desiring its service without undue discrimination * * *." Being a private cooperative association, AP may serve whom it pleases and may refuse to serve whom it pleases for any reason whatsoever. AP is not a monopoly nor a quasi public service corporation which, by reason of law or historical precedent, must serve all comers in the manner that innkeepers, common carriers and the like must serve everyone. If the government should succeed in subjecting AP to this "requirement," then AP, on account of the allegations of the complaint that its service is indispensable to all newspapers, would shortly embrace in its membership practically all newspapers in the country; it would thus by government fiat be transformed from a private enterprise into a public monopoly, subject to governmental domination as to rates, service, operation and the like. Since Tudor and Stuart times until this case, no government of an English-speaking people has attempted to establish a privilege, patent or monopoly of the dissemination of news. The totalitarian states of today establish monopolies and exclusive privileges for the purpose of dominating the lives of their peoples by domination of the monopolies thus established. The anti-trust laws of the United States were designed to prevent monopoly, not to foster monopoly.

Paragraph Fifteen. Defendants assert that the following allegations of aapragraph 46 are incorrect: "Denial of such access"—i. e access to such news-agency as an individual [fol. 163] newspaper may deem best adapted to its needs—"directly restrains interstate commerce in news to and from such newspaper and the agency to which it is denied access and likewise constitutes a burden and restraint upon the newspaper's own interstate circulation." This assertion of the government's prerogative to establish a monopoly in news services and to require news services to furnish news to any newspaper which applies therefor under the pretext that a denial of such access constitutes restraint of

trade in violation of the anti-trust laws of the United States is a subversion of the purposes and objects of the anti-trust laws and is contrary to the spirit and genius of a republican form of government.

Paragraph Sixteen. These defendants are advised that, should this court establish a precedent by granting the relief prayed for, courts hereafter would be required in proper cases to determine whether the rates charged by AP for its service are fair and reasonable, whether the news service furnished by AP is discriminatory or reasonably designed to meet the requirements of all its customers, whether its budget is too high or too low and generally to control and dominate the affairs of AP in the same fashion that public utilities are now controlled and dominated by governmental authority. The American press of today is superior to any press of the world; this preeminence is due, defendants believe, to the absence of governmental dominance and to the presence of the play of free forces of competition. Should the government succeed in subjecting AP and other news-agencies to governmental dominance, defendants believe that free competition between newspapers would be abolished, that competition between news-agencies would be abolished and that the freedom and preeminence of the American press would likewise be abolished.

[fol. 164] Paragraph Seventeen. The exercise of governmental control over newsgathering agencies or over their determination of the manner in which and through whom the news gathered by them shall be published is a direct interference with freedom of the press previous to publication. The business of news-agencies in collecting news and distributing the same through newspapers is affected with a national public interest, but that interest is not of the character charged in the complaint; on the contrary, the national public interest demands that every enterprise which enters into the production of published news remain free from governmental control or interference. News-agencies are simply instrumentalities which enter into the publication of newspapers and, therefore, are embraced in the constitutional guaranty of freedom of the press. Under the law they can no more be reduced to the status of public utilities than can any newspaper or any magazine which limits its circulation or selects the readers to whom it shall appeal.

The Associated Press—Paragraphs 49 to 60, pp. 14 to 22 of the Complaint

Paragraph Eighteen. The facts set forth in paragraphs 49 to 60 regarding AP are substantially correct with the following exceptions:

(a) These defendants are informed and believe that the members of AP, being newspapers, are not engaged in commercial business, or in interstate trade and commerce—paragraph 49.

(b) These defendants are informed that many of the allegations of paragraph 51 are incorrect but, having no certain information thereof, ask leave to adopt the answer of the defendant AP as to paragraph 51.

(c) On information and belief, the vote of the bondholders of AP has never controlled the selection of direc- [fol. 165] tors: the same directors that were elected would have been elected had there been no votes cast by bondholders—paragraph 60.

Paragraph Nineteen. AP has non-exclusive contracts with the leading foreign news-agencies, and has exclusive contracts with its own subsidiaries, Press Association, Inc., La Prensa Asociad and The Associated Press of Great Britain Ltd.—paragraph 52. All foreign news-agencies which are not subsidiaries of AP are open to anyone desiring them. UP, INS, the Washington Times-Herald, the Chicago Sun and many others not members of AP receive news from such foreign news-agencies.

Paragraph Twenty. The collection of local news by members, which they agree to transmit exclusively to AP, as alleged in paragraphs 54, 71, 72 and elsewhere in the complaint, is a responsibility accepted in consideration for receiving AP service. This relieves AP to some extent from hiring correspondents locally. In fact, such is the purpose of the association—it is a mutual cooperative association. During the first twenty years of the existence of the original news-agency now known as AP, the mutual return of news by members was the only means employed by it to collect news; this predecessor of AP then hired no correspondents of its own. Yet AP does not now rely entirely upon its members for local news; it hires a great many correspondents in the United States and has offices and bureaus throughout the country. The provision in the by-laws re-

quiring a member to send its local news exclusively to AP is the same in principle as hiring exclusive local correspondents: it has never been contended that the newspapers cannot legally employ exclusive correspondents to seek out, report and transmit news. All other newspapers and news-agencies employ their staffs exclusively. The exclu- [fol. 166] siveness of the mutual return of local news by AP members to AP is not an unreasonable restraint of trade or commerce, nor does it tend toward monopoly; this has been admitted by the government of the United States at all times since the organization of AP and was specifically recognized in a formal written opinion of its Attorney General in 1915, to which reference shall hereafter be made. Exclusiveness of news features, editorial comment and the like is the greatest single factor in the making of competition between newspapers; to forbid it is to destroy competition. It is the legal right of any newspaper or any news-agency to purchase news reports with the condition that the seller shall not furnish it to others in the same city and "field." The Supreme Court of the United States has recognized the property right in news reports and has punished plagiarism or theft thereof. Exclusiveness is part and parcel of the newspaper profession: so much so that the supplement to the Oxford English Dictionary defines "exclusive" as "an article or paragraph exclusively contributed to a particular newspaper."

Paragraph Twenty-one. Associate members of AP are not required to furnish local news exclusively to AP but are free to furnish it to anyone. Associate members of AP receive all its news and other services at the same rates payable by regular members.

Description and Comparison of Existing News-Agencies—Paragraphs 61 to 76, pp. 22 to 32 of the Complaint

Paragraph Twenty-two. A description of AP, UP and INS set forth on these pages is substantially correct as to the facts, with the following exceptions:

(a) As stated above, there are many news-agencies other than AP, UP and INS—paragraph 61.

[fol. 167] (b) While UP furnishes no picture news service, the Acme News Photos, Inc., herein called Acme, one of the best news photo services, is owned by the same interests that own UP—paragraph 63.

(c) Contrary to the allegations of paragraph 66, it is a common, usual and in fact almost a universal practice in the newspaper business that those who furnish news, news service, pictures, picture service, features, feature service, and the like to newspapers shall and do contract to furnish the same exclusively to only one newspaper in the same city and "field." The greatest arena of competition between newspapers in the same community is the search for exclusiveness of satisfaction of reader interest.

(d) The newspaper which does not obtain AP news service is not deprived nor restrained of its freedom in determining the character of its publication, nor from determining to what elements of the newspaper reading public it will address its appeal—paragraph 67. Many newspapers prefer UP alone without supplement by AP or INS; others prefer INS alone; these three news-agencies all appeal to substantially the same reader interest.

(e) The terms demanded by UP, INS and other news-agencies for their service are, defendants are informed and believe, fair and reasonable—paragraph 67. Defendants are informed and believe that should the terms of any news-agency be unreasonable, it would succumb to the free forces of competition and that other agencies would take its place.

(f) The news reports sent in by AP members to AP are not news sources—pararaph 71. As above stated, any person or group of persons has access to the sources of news except in so far as they may be denied access thereto by governmental censorship or prohibition.

[fol. 168] Paragraph Twenty-three. Whether a newspaper not carrying AP news operates under a competitive disadvantage with one carrying AP news—paragraph 69—cannot be answered as a universal. The Chicago Sun is not at a competitive disadvantage with the Chicago Tribune by reason of the fact that the Chicago Sun does not carry AP news. These defendants further are advised and believe that it is entirely immaterial to the issues of this case and to the relief prayed for whether or not the Chicago Sun, by reason of the foregoing, is at a competitive disadvantage with the Chicago Tribune; similarly, it is immaterial whether or not the Chicago Sun is at a competitive disadvantage because it is unable to obtain the services of first class reporters exclusively in the employ of the Chicago

Tribune, or to use the color presses owned exclusively by the Chicago Tribune, or to benefit by the reader habit which has been built up exclusively by the Chicago Tribune.

Paragraph Twenty-four. UP was organized in 1907 by the merger of three news-agencies which had previously served the entire country by certain mutual arrangements. Originally UP's clients were mostly afternoon newspapers but at the present time UP is also fitted for morning newspapers and serves both. Among its present morning clients are the New York Daily News, New York Times, New York Herald-Tribune and practically every other large morning newspaper with the exception of the Chicago Tribune. UP is in all respects substantially the same size as AP in number of employees, bureaus, amount of money spent and news it furnishes. UP is recognized as one of the great news-agencies of the world. It is and always has been in active competition with AP, both in the collection of news and in obtaining clients; many important morning and afternoon newspapers use UP, if not alone, in combination [fol. 169] with AP or INS. UP makes the following claims for its news, news pictures and feature service:

1. "The World's Best Coverage of the World's Biggest News."

2. It advertises from time to time that it furnishes more front page stories than AP.

3. "Wherever big news is breaking, United Press delivers the stories that make the headlines in the nation's newspapers."

4. It claims many scoops.

5. "The United Press has assigned the finest staff of correspondents ever assembled to the task of covering world-wide war developments for U.P. clients."

6. "An organization of highly trained, thoroughly experienced newspaper correspondents. Its corps of 1,500 full-time correspondents is supplemented by the services of 55,000 contributing correspondents—a total of 56,500 United Press noses for news."

7. It claims an "impressive list of beats, exclusives and eye-witness dispatches on war action."

8. "United Press provides consistently the fastest, the most complete, the best written coverage available."

Paragraph Twenty-five. While INS is smaller in size than AP and UP, it is nevertheless in active competition with both AP and UP and is recognized as one of the great news, news picture and feature agencies of the world. It claims to have a better foreign news service than any other news-agency. Its news picture service is operated by an affiliated corporation, International News Photos.

Paragraph Twenty-six. The exclusive return of local news by AP members does not compel AP competitors "to employ more costly and less efficient and complete means for gathering domestic news events of spontaneous origin"—paragraph 71. Defendants are informed and believe that [fol. 170] in the United States at present there are over 50,000 free lance correspondents or "string men" and that there are thousands of others available to newspapers and news-agencies on a piecework basis. Practically all of such correspondents are not permitted by their contracts to furnish news to two newspapers in the same town and field but are all free to furnish news service to papers not in the same town and field. There is and can be no monopoly or restraint of trade in obtaining local news. Neither UP, INS nor any other agency has ever complained that it has been restrained by AP in gathering and disseminating local news; on the contrary, UP and INS claim and have always claimed their local news service to be equal or superior to AP's.

Paragraph Twenty-seven. Contrary to the allegations of paragraph 73, no restraints are imposed upon interstate trade or commerce due to the fact that a newspaper is denied access to AP news reports or to the fact that AP furnishes exclusively to its members a wire news photo service. News-agencies, including AP, Acme and INS, and also news-photo-agencies and syndicates furnish wire news photos to their customers. At the present time all wire photo machines have about the same excellence of performance. Each particular service lays claim to the fact that it is the fastest and best.

Paragraph Twenty-eight. While AP supplies its members with "news feature stories with and without illustra-

tions, news cartoons, comic strips, and a full budget of departmental features," as alleged in paragraph 74, defendants say as follows:

(a) There are many other news-agencies and syndicates which supply and sell news feature service to their customers. AP's news picture service is not substantially different in size or coverage from the news picture service [fol. 171] furnished by other photo-agencies and syndicates. N.E.A. Service, Inc., owned by the same interests as UP, was the first news-agency to sell news features and AP inaugurated a news feature service so that it might favorably compete with N.E.A. and UP.

(b) There are a great many syndicates furnishing to newspapers feature stories with and without illustrations, columnists, news cartoons and comic strips, the number of which is to these defendants unknown. These features include a great variety of subjects, such as contract bridge, chess and checkers, crossword puzzles, anagrams, book reviews, readers' insurance, fashions, needlework, beauty hints, advice to the lovelorn, diets, editorial comment, sports comment, dogs, movie gossip, Katzenjammer Kids, Mutt and Jeff, Little Abner, Gumps, Orphan Annie, Dick Tracy, and others too numerous to mention. All of these features are sold by the agencies or syndicates which own them under the restriction that they shall be furnished to only one newspaper in the field or in the community. The value of such features to any one newspaper rests in its exclusive right to publish them. As in the case of news service, each newspaper claims advantage for its own features. Should the owner of such features be required to furnish them to every newspaper which applies for them, the value of such features would be greatly diminished and competition between newspapers and feature owners would to that extent be eliminated; yet, defendants are advised, should AP be required to furnish its service to all applicants, all news-agencies and all feature syndicates will be required by parity of reasoning to furnish their services to all applicants.

[fol. 172] The Offenses Charged Against the Defendants—Paragraphs 77 and 78, pp. 32 to 34 of the Complaint

Paragraph Twenty-nine. Defendants deny that any offense was committed by them under the anti-trust laws of

the United States or any other laws, and deny each and every allegation of paragraphs 77 and 78.

Paragraph Thirty. It is not true, as alleged in paragraph 78, that the defendants "continuously planned and acted together (a) to restrain the competitors of members of The Associated Press from obtaining access to AP's services." While it is true that AP, under its charter and by-laws, has not accepted for membership all newspapers that have applied for same, some of which were competitors of members of AP and some of which were not, this course of conduct did not and does not constitute an "offense." Defendants are advised that it is not within the province of the government to require AP to accept as members competitors or non-competitors of members or to interfere with AP in respect to such matter. The defendants are advised that if AP were a monopoly—which it is not—the remedy afforded the government under the anti-trust laws of the United States would be to pray that AP be disestablished, or that its membership be reduced; but that the spirit and intent of the anti-trust laws of the United States forbid that AP be required to take any steps in the direction of monopoly by admitting all applicants.

The Years 1900 to 1928—Paragraphs 79 to 86; pp. 34 to 38 of the Complaint

Paragraph Thirty-one. The allegations of fact in paragraphs 79 to 86 are substantially correct. The interpretations of law and conclusions of fact therein set forth are incorrect in the following respects:

[fol. 173] (a) The Supreme Court of Illinois in *Inter-Ocean* v. *Associated Press*, referred to in paragraph 80, held that an Illinois corporation, not AP, defendant in this case, was impressed with a public interest and, therefore, was a public utility because its charter gave it the right of eminent domain to acquire telephone and telegraph wires and to operate the same. AP, defendant in this case, does not have the right of eminent domain nor does it have the right to operate utilities. The *obiter dicta* from this case quoted in paragraph 80, implying that newspapers and news-agencies are impressed with a public interest requiring them to serve all applicants, has been universally disapproved by the courts.

(b) The allegations of paragraph 82 *et seq.*, having to do with "veto" and "protest rights" are entirely immaterial, inasmuch as the "protest rights" were abolished in April, 1942, prior to the institution of this action.

(c) The "protest rights" under the old by-laws enabled a member, in the field of an applicant to require the submission of that application to the entire membership for vote and automatically disenabled the Board of Directors to admit that applicant. This "protest right" was not a violation of the anti-trust laws of the United States, nor was its application by AP and the membership of AP in violation of the anti-trust laws of the United States, but was in furtherance of the lawful objects and purposes of AP as a mutual cooperative association—as was held in the formal opinion of a former Attorney General of the United States to be hereafter mentioned.

Paragraph Thirty-two. The practice alluded to in paragraph 84 of continuing AP memberships upon change in the ownership of any newspaper represented in the membership is a fair, just and equitable provision of the by-laws, not in violation of any law. Through this provision mem-
[fol. 174] bers who have contributed by way of assessment to building up the good will, patents and properties of AP are enabled, upon sale of their newspaper, to realize in some degree a return for such contributions. Assessments of AP members are not alone for current running expenses but for experiment, good will, long-term investments, equipment and the like; many members of AP, therefore, carry the membership on their books as of great asset value. Should AP members not be permitted to transfer AP privileges upon sale of their newspapers, these assets would be wiped out and many members would be seriously and adversely affected. These provisions for continuity of membership upon sale of a newspaper do not result in a static membership but, on the contrary, forty to fifty new members are admitted each year to membership and forty to fifty old members give up their membership in each year. Out of the total AP membership of approximately 1,300, approximately 400 have been admitted to membership in the past ten years. Such policy does not tend to limit the number of newspapers in the United States.

The Years 1928 to 1942—Paragraphs 87 to 91, pp. 38 to 40 of the Complaint

Paragraph Thirty-three. The allegations of paragraphs 87 to 91 are substantially correct, with the following exceptions:

(a) On information and belief, of the four applications for membership submitted to a vote of the membership upon the exercise of "protest rights," two of such applicants were thereafter admitted to membership—paragraph 88.

(b) On information and belief, the directors did not follow a policy of excluding a competitor of members where no "protest right" was involved—paragraph 89; where [fol. 175] choice was possible, the directors pursued the policy of electing to membership the newspaper in the field which would in all probability be best able to fulfill the obligations of membership.

(c) The members and directors did not have a policy, the purpose and effect of which was to protect the AP members against competition by denying to their competitors access to the AP news service and by denying to them access to the news gathered by AP members—paragraph 89.

Paragraph Thirty-four. It is not true that the economic self-interest of AP is in favor of expanding AP membership freely—paragraph 90. Too great expansion of AP would result in (a) a very unwieldy organization composed of many not having the loyalty and the desire to serve and build up AP, as does the membership today; (b) AP news reports would no longer be exclusive and would, therefore, become common and less valuable; (c) the property rights and the good will value of AP built up through these many years by membership assessments, in addition to time and effort, would be destroyed; (d) there would be uneconomic duplication and multiplication of local news reports sent to AP by its members; and (e) AP membership might increase to such proportions that it might be constantly subjected to the charge of monopolization.

Recent Action taken by AP—Paragraphs 92 to 100, pp. 40 to 47 of the Complaint

Paragraph Thirty-five. The allegations of paragraphs 92 to 100 are substantially correct with the following exceptions:

(a) The by-laws of AP as amended in 1942 do not achieve the result of excluding a competing applicant nor do such [fol. 176] by-laws make a sharp distinction between membership applications which do not affect the competitive interest of an existing member and those which do—paragraph 93.

(b) On information and belief, the money payment required under the amended by-laws was not designed, nor was it passed, with a purpose of excluding competition—paragraph 93; to the contrary this money payment was designed as recompense to an existing member for the decrease in value of his membership resulting from the taking away or dilution of the existing member's exclusive right to AP news service and to require the new member to pay, in part at least, for his participation in the fixed assets of AP. On information and belief, the money payment required by the by-laws has a direct relationship to value.

(c) The majority vote of the membership required in certain circumstances for election under the amended by-laws is not a prohibitive condition on admission to membership—paragraphs 94 and 95. A majority vote is the usual, customary and lawful requirement for election to mutual cooperative organizations in this country; in fact many such associations rightfully require a unanimous vote for admission of members.

(d) On information and belief, in voting upon applications for membership, members are not influenced by any improper or unlawful motives, nor are they improperly or unlawfully influenced by anyone to vote in any particular manner—paragraph 95.

(e) On information and belief, the contribution that an applicant must make under the amended by-laws is not computed arbitrarily without reference to net worth but, on the contrary has a direct relation to the value of the assets of AP in which the applicant, when admitted, shall share—paragraphs 94, 96, 97 and 98.

[fol. 177] (f) The requirement of payment by an applicant to members already in the field under the present by-laws does not permit existing members to profit by their own wrong—paragraph 98. The AP news which members currently receive does not constitute full and commensurate returns for their contributions—assessments or return of local news: a substantial portion of such assessments is and always has been expended for future betterment of AP service, patent improvements, employees' funds and other fixed assets.

(g) The provision of the amended by-laws requiring an applicant to give up to an existing member in the field any exclusive right to news or news picture service is not a barrier against admission, nor, on information and belief, was it passed for the purpose of excluding competitors—paragraphs 94 and 99. It is a fair standard for admission passed, defendants believe, for the purpose of requiring an applicant to relinquish his exclusive rights to news and news photo services in consideration of the relinquishment by the existing member of his exclusive rights to AP service or of the dilution of the rights of several members, should there be several in the field.

Paragraph Thirty-six. The government notified AP early in 1942 that it regarded the exclusion of applicants based upon no standards except competitive effect upon the business of individual members to be violative of the anti-trust laws—paragraph 92. The government asserted that AP must establish non-discriminatory standards for membership and must accept as members all applicants conforming to those standards. Certain officers and directors of AP, denying the government's position in point of fact or of law, nevertheless conferred with representatives of the government in an attempt to determine what standards for membership the government would allow. The representatives of the government refused at all times to consider the [fol. 178] permissibility of any standards other than (a) the applicant must be the sole owner of a newspaper, (b) must file proof thereof and of the "field," and (c) assent in writing to its legal by-laws The government representatives arbitrarily refused to discuss other standards of admission, which AP, even had it been a public utility, might lawfully have exacted e. g. (1) contribution to capital assets of AP to which the applicant had not contributed

but in which he would share; (2) the permanency of the newspaper of applicant; (3) the character of applicant and of his newspaper, and (4) others. Under threat of governmental prosecution, the members adopted the 1942 amendments in the vain hope that the government would be satisfied with less than the complete transformation of AP from a private mutual cooperative enterprise into one subservient to governmental domination as to membership, and therefore as to rates, service and the like.

Paragraph Thirty-seven. Representatives of AP, in answer to governmental threats of prosecution, pointed out to the representatives of the government that the by-laws of AP and their method of application were not in violation of any principles of law and have been specifically held innocuous by the courts of several States. In addition to these opinions, AP in its course of conduct specifically relied upon a formal opinion of Thomas Watt Gregory, former Attorney General of the United States, which he rendered in 1915. Gregory held in this opinion that the by-laws, and their application by AP, did not constitute any violation of the anti-trust or other laws of the United States. The conditions during the years between 1915 until the by-law amendments of 1942 above mentioned were and continued during the whole period to be substantially the same. The government during the period from 1915 to 1941, when these [fol. 179] threats were made as aforesaid, acquiesced in the correctness of the court decisions and in the legal opinion of Gregory. AP and the defendants during the period relied thereon and still rely thereon.

Paragraph Thirty-eight. Defendants are informed and believe that Eleanor Medill Patterson orally complained to the Department of Justice in 1939 or 1940. Marshall Field complained to the Department of Justice in late 1941 or early 1942. No action was taken by the Department of Justice on the complaint of Eleanor Medill Patterson until after the filing of the complaint by Marshall Field. The applications for membership of Field and Patterson came up for vote at the annual members' meeting held in April, 1942, under the amended by-laws as aforesaid. Prior to the meeting, proxies were sent to the members of AP by the directors of AP, by the Chicago Sun, by the Times-Herald, by the Hearst interest, and by the Chicago Tribune, to enable absent members to vote on these applications.

The Department of Justice sent its detectives or operatives throughout the country to call on AP members. These agents of the Department of Justice approached a great many AP members and asked questions and made statements which, it was thought, were designed to indicate the government's wishes and demands that Field be admitted. The votes of the membership at the meeting on these applications were as follows:

Admission of the Chicago Sun	For 287—Against 684
Admission of Times-Herald—Morning membership	For 242—Against 514
Admission of Times-Herald—Evening membership	For 242—Against 514

The government thereupon threatened AP that, unless AP should immediately furnish service *pendente lite* to the [fol. 180] Chicago Sun and the Times-Herald, the government would forthwith launch criminal proceedings against AP, its officers, directors and certain members; but that if AP would immediately furnish its service *pendente lite* to the Chicago Sun and the Times-Herald the government would not launch the criminal proceedings aforesaid but, on the contrary, would merely begin civil action.

Recent Exclusion of Applicants for Membership—Paragraphs 101 to 107, pp. 47 to 50 of the Complaint

Paragraph Thirty-nine. The allegations of paragraphs 101 to 107 are substantially correct, with the following exceptions:

(a) Defendants deny that there was a practice of excluding competitors simply because of the competition—paragraph 101.

(b) Whether or not Field is a responsible person, qualified in all respects to be a member of AP and to assume all of the legitimate obligations of AP membership, as alleged in paragraph 104, is entirely immaterial to the issues in this cause and to the relief prayed for. There are many factors which the members of AP consider when passing upon an application for membership, such as AP coverage in the community, number of newspapers in the field, type of newspaper, owner's qualifications, whether admission would add to AP's prestige, etc. All of these and others were neces-

sarily passed upon by the 684 members who voted to reject Field's application.

(c) The Chicago Sun has not been seriously handicapped in conducting its business by the denial of its application to AP membership—paragraph 104.

[fol. 181] (d) The Chicago Sun's lack of access to AP news picture service has not proved a great competitive disadvantage to the Chicago Sun—paragraph 105.

(e) The Chicago Tribune did not have a monopoly of the morning field in Chicago or in the large area of the Middle West tributary to Chicago with respect to morning delivery of a metropolitan newspaper—paragraph 106.

(f) The non-election of the Washington Times-Herald to AP membership did not restrain the Times-Herald in the conduct of its business, nor is the effect thereof that there is only one newspaper in the morning in Washington, D. C. and one in the evening which offer their readers AP news service—paragraph 107. On the contrary, the reading public of Washington, D. C. is afforded many morning and evening newspapers with AP service, from New York, Baltimore, Philadelphia, Richmond and elsewhere.

Paragraph Forty. In connection with Field's application, he informed AP that it was absolutely necessary to acquire an AP membership in order to serve the interests of the people of Chicago and to compete with other newspapers, as alleged in paragraph 103. This statement of Field contradicts what he has said elsewhere. On December 4, 1941, he said, "We have contracted with news gathering services that have world-wide facilities and long and sound experience." Since commencing publication of the Chicago Sun he has many times said that his facilities are complete, that his news coverage is the "best," and he has claimed on occasions to have scooped competitor newspapers. In connection with his offer to pay $250,000 for the AP membership held by the Illinois Publishing and Printing Company for its newspaper, Chicago, Herald-American, defendants are informed and believe that Illinois Publishing and Printing Company would not sell its morning AP membership [fol. 182] because its membership was being utilized by it in publishing a Sunday morning newspaper, and also for its early week-day editions.

Paragraph Forty-one. Contrary to the allegations of Paragraph 105, Acme, one of the largest news photo services, does not have a regional exclusive contract which prevents the Chicago Sun from obtaining news pictures from it; nor is it true that it is a great competitive disadvantage to the Chicago Sun not to receive AP news picture service. Owing to the comparatively inexpensive method of transmitting photos by telephone in this country and by wireless from abroad, any newspaper can by its own initiative furnish its readers with up-to-the-minute news photographs. This is especially true of photographs of the war; practically every belligerent country, including the United States of America, requires photographs in war zones, notwithstanding the newspaper or agency represented by the photographers thereof, shall be pooled and released to all newspapers desiring same. In view of the large number of news photo services and the foregoing circumstances, defendants believe that the Chicago Sun's inability to obtain AP news picture service is not a great competitive disadvantage, but, on the contrary, that the Chicago Sun could furnish its readers with adequate news photographs if it would display initiative and diligence in obtaining the same.

Paragraph Forty-two. For two years prior to the time the Chicago Sun began publication, the Chicago Tribune, having the second largest circulation of any American newspaper, was the only daily morning newspaper published in Chicago, as alleged in paragraph 106. The Chicago Tribune did not have, prior to the advent of the Chicago Sun, a monopoly of the morning field in Chicago. There are many other morning newspapers—many of them being "metropolitan" newspapers—available to readers in the [fol. 183] Midwest from the States of Illinois, Indiana, Wisconsin, Michigan, Missouri and Iowa. There are in Chicago other newspapers on the news-stands at the same time that the Chicago Tribune is being sold. The afternoon newspapers come out early in the morning. They all have second class mail privileges and can be secured by anybody wishing to buy them. The Chicago Daily News, which has both UP and AP, is sold at nine in the morning. The Chicago Herald-American has UP, AP and INS, and is sold at eight A.M., during the week and on Sunday. The Chicago Times has AP—except on Sunday—and is sold at eight A.M. and on Sunday. These newsppaers represented

all shades of political views and offered various choices for the readers of Chicago. The fact that the Chicago Tribune is so widely accepted in Chicago is the natural result of excellence in the field. The Chicago Tribune has been in business since 1847 and in 1861 was incorporated by special act of legislature. It has had a long and arduous career in obtaining the position it now enjoys. During this period many substantial morning papers have come and gone. It is preeminent in its field because of its tremendous reader acceptance, because of its outstanding facilities and its value to the readers in the community. Considerable of its good will is due to its personnel, the special features that it has inaugurated, its color presses, special inks, correspondents, comics and to many other factors. It has not bought up other newspapers and merged with them. The preeminence of the Chicago Tribune is due to the free play of the forces of competition and is neither "unwholesome" nor monopolistic. The defendants are advised and believe that it is not the province of the government to determine whether the newspaper situation in Chicago or elsewhere does or does not meet its views or the views of the current administration in charge of the [fol. 184] government in respect of wholesomeness, but that the province of the government is solely in respect of violations, if any, of law.

Paragraph Forty-three. The two other applications—one for an afternoon and the other for a morning membership—voted upon at the 1942 meeting were filed by Eleanor Medill Patterson—paragraph 107. There were "protests" when she first applied, but the vote on her admission was taken under the amended by-laws which had eliminated "protest" rights. The rejection of her application by AP did not restrain the Washington Times-Herald in the conduct of its business. Defendants deny that there was any combination to restrain or that her failure to be elected was the result of any combination. The Washington Times-Herald obtains the services of UP and INS, and without access to AP has built up the largest newspaper circulation in the City of Washington. Eleanor Medill Patterson claims that her newspaper is dominant in the field and that it has the most complete and best coverage of the news.

The Acquisition of Wide World Photos, Inc.—Paragraph 108, p. 51 of the Complaint

Paragraph Forty-four. In the year 1941 AP acquired the capital stock of Wide World Photos, Inc., a New York corporation, as alleged in paragraph 108. Defendants are advised that such acquisition was not in violation of the Sherman Act, or the Clayton Act, or any of the anti-trust laws of the United States and did not tend substantially to lessen competition in interstate commerce in news pictures, nor did it tend to create a monopoly in interstate commerce in such news pictures.

[fol. 185] Wherefore these defendants demand judgment against plaintiff herein, that the relief be denied and that this action be dismissed.

Townley, Updike & Carter and Weymouth Kirkland, Attorneys for defendants Tribune Company and Robert Rutherford McCormick, Office and post-office address, 220 East 42nd Street, New York City. By Weymouth Kirkland, Howard Ellis, J. Howard Carter, David Fisher, Of Counsel.

[fol. 186] In District Court of the United States for the Southern District of New York

[Title omitted]

Expediting Certificate

To the Clerk of the District Court of the United States for the Southern District of New York:

I, Francis Biddle, Attorney General of the United States, hereby certify that the above entitled case now pending in said court is a civil action brought by the United States of America against The Associated Press and other defendants named in the complaint therein, under the Act of Congress approved July 2, 1890 (26 Stat. 209), entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," as amended, and under the Act of Congress approved October 15, 1914 (28 Stat. 730), as amended, and that, in my opinion, said case is of general public importance.

I, therefore, request that, complying with the provisions of the Act of Congress entitled "An Act to expedite the

[fol. 187] hearing and determination of suits in equity pending or hereafter brought under the Act of July second, eighteen hundred and ninety, entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies'; 'An Act to regulate commerce approved February fourth, eighteen hundred and eighty-seven, or any other Acts having a like purpose that may hereafter be enacted,'' approved February 11, 1903 (32 Stat. 823), as amended by the Act of Congress approved April 6, 1942 (56 Stat. 291), you file this certificate among the records of the above entitled case and immediately furnish a copy thereof to the senior Circuit judge (or in his absence, the Presiding Circuit Judge) of the Second Circuit, to the end that three judges in such circuit, of whom at least one shall be a circuit judge, be designated to hear and determine said case, and that said case be assigned for hearing at the earliest practicable date and in every way expedited, as provided in said act of February 11, 1903, as amended.

Francis Biddle, Attorney General.

Washington, D. C., January 7, 1943.

[fols. 188-189] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

[Title omitted]

ORDER DESIGNATING THREE JUDGES TO HEAR CASE

I, Learned Hand, Senior Circuit Judge for the Second Circuit, having received from the Clerk of the District Court for the Southern District of New York, a copy of a certificate filed in the above-entitled action with the said clerk declaring that in the opinion of the Attorney General of the United States the case is of general public importance, do hereby in accordance with the Act of Congress, approved April 6, 1942 (56 Stat. 198), designate the following three judges in said circuit to hear and determine said case:

Learned Hand, Thomas W. Swan, Augustus N. Hand. Learned Hand, Circuit Judge.

[fol. 190] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

[Title omitted]

REQUEST FOR ADMISSIONS—Filed January 6, 1943

Plaintiff United States of America requests defendants The Associated Press, Paul Bellamy, George Francis Booth, John Cowles, William Hutchinson Cowles, Edward King Gaylord, Houston Harte, Josh L. Horne, Clark Howell, Jr., Joseph Russell Knowland, Robert Rutherford McCormick, Robert McLean, Leonard Kimball Nicholson, Frank Brett Noyes, Paul Patterson, Stuart Hoffman Perry, E. Lansing Ray, Edward Hubert Butler, The Adrian Telegram, The A. S. Abell Company, Bulletin Company, The Constitution Publishing Company, Cowles Publishing Company, The Evening Star Newspaper Company, The Kansas City Star Company, The Oklahoma Publishing Co., The Register and Tribune Company, Rocky Mount Publishing Co., Globe Democrat Publishing Co., San Angelo Standard, Inc., The Times-Picayune Publishing Company, Tribune Company, The Tribune Publishing Co. and Worcester Tele-
[fol. 191] gram Publishing Co., Inc., and each of them, to make on or before January 20, 1943, the following admissions for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial.

That each of the following statements is true:

1-a. The Adrian Telegram is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

1-b. The Adrian Telegram, in the ordinary course of its business, regularly receives and publishes in the State of Michigan news transmitted to it by The Associated Press from points located in states other than the State of Michigan, and has done so for a number of years.

1-c. The Adrian Telegram, in the ordinary course of its business, regularly receives and publishes in the State of Michigan news transmitted to it by news agencies other than The Associated Press or by reporters, correspondents,

or agents, from points located in states other than the State of Michigan, and has done so for a number of years.

1-d. The Adrian Telegram, in the ordinary course of its business, regularly transmits and delivers from points within the State of Michigan local news to The Associated Press at points located in states other than the State of Michigan, and has done so for a number of years.

1-e. The Adrian Telegram, in the ordinary course of its business, regularly delivers local news to The Associated [fol. 192] Press in Michigan for transmittal by The Associated Press to points located in states other than the State of Michigan, and has done so for a number of years.

1-f. The Adrian Telegram, in the ordinary course of its business, sells and delivers in states other than the State of Michigan newspapers which it publishes within the State of Michigan, and has done so for a number of years.

1-g. The Adrian Telegram, in the ordinary course of its business, sells and delivers within the State of Michigan newspapers for sale and delivery in states other than the State of Michigan, and has done so for a number of years.

2-a. A. S. Abell Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

2-b. The A. S. Abell Company, in the ordinary course of its business, regularly receives and publishes in the State of Maryland, news transmitted to it by The Associated Press from points located in states other than the State of Maryland, and has done so for a number of years.

2-c The A. S. Abell Company, in the ordinary course of its business, regularly receives and publishes in the State of Maryland news transmitted to it by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states other than the State of Maryland, and has done so for a number of years.

[fol. 193] 2-d. The A. S. Abell Company, in the ordinary course of its business, regularly transmits and delivers from points within the State of Maryland local news to The Associated Press at points located in states other than the State of Maryland, and has done so for a number of years.

2-e. The A. S. Abell Company, in the ordinary course of its business, regularly delivers local news to The Associated Press in Maryland for transmittal by The Associated Press to points located in states other than the State of Maryland, and has done so for a number of years.

2-f. The A. S. Abell Company, in the ordinary course of its business, sells and delivers in states other than the State of Maryland newspapers which it publishes within the State of Maryland, and has done so for a number of years.

2-g. The A. S. Abell Company, in the ordinary course of its business, sells and delivers within the State of Maryland newspapers for sale and delivery in states other than the State of Maryland, and has done so for a number of years.

3-a. Bulletin Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

3-b. Bulletin Company, in the ordinary course of its business, regularly receives and publishes in the State of Pennsylvania news transmitted to it by The Associated Press from points located in states other than the State of Pennsylvania, and has done so for a number of years.

[fol. 194] 3-c. Bulletin Company, in the ordinary course of its business, regularly receives and publishes in the State of Pennsylvania news transmitted to it, by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states other than the State of Pennsylvania, and has done so for a number of years.

3-d. Bulletin Company, in the ordinary course of its business, regularly transmits and delivers from points within the State of Pennsylvania local news to The Associated Press at points located in states other than the State of Pennsylvania, and has done so for a number of years.

3-e. Bulletin Company, in the ordinary course of its business, regularly delivers local news to The Associated Press in Pennsylvania for transmittal by The Associated Press to points located in states other than the State of Pennsylvania, and has done so for a number of years.

3-f. Bulletin Company, in the ordinary course of its business, sells and delivers in states other than the State of Pennsylvania, and has done so for a number of years.

3-g. Bulletin Company, in the ordinary course of its business, sells and delivers within the State of Pennsylvania newspapers for sale and delivery in states other than the State of Pennsylvania, and has done so for a number of years.

4-a. The Constitution Publishing Company is engaged, and has been engaged for a number of years, in the business [fol. 195] of publishing and selling a newspaper for the purpose of deriving a profit.

4-b. The Constitution Publishing Company, in the ordinary course of its business, regularly receives and publishes in the State of Georgia news transmitted to it by The Associated Press from points located in states other than the State of Georgia, and has done so for a number of years.

4-c. The Constitution Publishing Company, in the ordinary course of its business, regularly receives and publishes in the State of Georgia news transmitted to it by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states other than the State of Georgia, and has done so for a number of years.

4-d. The Constitution Publishing Company, in the ordinary course of its business, regularly transmits and delivers from points within the State of Georgia local news to The Associated Press at points located in states other than the State of Georgia, and has done so for a number of years.

4-e. The Constitution Publishing Company, in the ordinary course delivers local news to The Associated Press in Georgia, and has done so for a number of years.

4-f. The Constitution Publishing Company, in the ordinary course of its business, sells and delivers in states other than the State of Georgia newspapers which it publishes within the State of Georgia, and has done so for a number of years.

[fol. 196] 4-g. The Constitution Publishing Company, in the ordinary course of its business, sells and delivers within the State of Georgia newspapers for sale and delivery in states other than the State of Georgia, and has done so for a number of years.

5-a. Cowles Publishing Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

5-b. Cowles Publishing Company, in the ordinary course of its business, regularly receives and publishes in the State of Washington news transmitted to it by The Associated Press from points located in states other than the State of Washington, and has done so for a number of years.

5-c. Cowles Publishing Company, in the ordinary course of its business, regularly receives and publishes in the State of Washington news transmitted to it by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states other than the State of Washington, and has done so for a number of years.

5-d. Cowles Publishing Company, in the ordinary course of its business, regularly transmits and delivers from points within the State of Washington local news to The Associated Press at points located in states other than the State of Washington, and has done so for a number of years.

5-e. Cowles Publishing Company, in the ordinary course of its business, regularly delivers local news to The Associated Press in Washington for transmittal by The As-
[fol. 197] sociated Press to points located in states other than the State of Washington, and has done so for a number of years.

5-f. Cowles Publishing Company, in the ordinary course of its business, sells and delivers in states other than the State of Washington newspapers which it publishes within the State of Washington, and has done so for a number of years.

5-g. Cowles Publishing Company, in the ordinary course of its business, sells and delivers within the State of Washington newspapers for sale and delivery in states other than the State of Washington, and has done so for a number of years.

6-a. The Evening Star Newspaper Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

6-b. The Evening Star Newspaper Company, in the ordinary course of its business, regularly receives and publishes in the District of Columbia news transmitted to it by The Associated Press from points located in states outside the District of Columbia, and has done so for a number of years.

6-c. The Evening Star Newspaper Company, in the ordinary course of its business, regularly receives and publishes in the District of Columbia news transmitted to it by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states outside the District of Columbia, and has done so for a number of years.

6-d. The Evening Star Newspaper Company, in the ordinary course of its business, regularly transmits and delivers [fol. 198] from points within the District of Columbia local news to The Associated Press at points located in states outside the District of Columbia, and has done so for a number of years.

6-e. The Evening Star Newspaper Company, in the ordinary course of its business, regularly delivers local news to The Associated Press in the District of Columbia for transmittal by The Associated Press to points located in states outside the District of Columbia, and has done so for a number of years.

6-f. The Evening Star Newspaper Company, in the ordinary course of its business, sells and delivers in states outside the District of Columbia newspapers which it publishes within the District of Columbia, and has done so for a number of years.

6-g. The Evening Star Newspaper Company, in the ordinary course of its business, sells and delivers within the District of Columbia newspapers for sale and delivery in states outside the District of Columbia, and has done so for a number of years.

7-a. Forest City Publishing Company is engaged in the business of publishing and selling a newspaper for the purpose of deriving a profit.

7-b. Forest City Publishing Company, in the ordinary course of its business, regularly receives and publishes in the State of Ohio news transmitted to it by The Associated Press from points located in states other than the State of Ohio.

7-c. Forest City Publishing Company, in the ordinary course of its business, regularly receives and publishes in the State of Ohio news transmitted to it by news agencies [fol. 199] other than The Associated Press or by reporters, correspondents, or agents, from points located in states other than the State of Ohio.

7-d. Forest City Publishing Company, in the ordinary course of its business, regularly transmits and delivers from points within the State of Ohio local news to The Associated Press at points located in states other than the State of Ohio.

7-e. Forest City Publishing Company, in the ordinary course of its business, regularly delivers local news to The Associated Press in the State of Ohio for transmittal by The Associated Press to points located in states other than the State of Ohio.

7-f. Forest City Publishing Company, in the ordinary course of its business, sells and delivers in states other than the State of Ohio newspapers which it publishes within the State of Ohio.

7-g. Forest City Publishing Company, in the ordinary course of its business, sells and delivers within the State of Ohio newspapers for sale and delivery in states other than the State of Ohio.

8-a. The Kansas City Star Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

8-b. The Kansas City Star Company, in the ordinary course of its business, regularly receives and publishes in the State of Missouri news transmitted to it by The As-

sociated Press from points located in states other than the State of Missouri, and has done so for a number of years.

[fol. 200] 8-c. The Kansas City Star Company, in the ordinary course of its business, regularly receives and publishes in the State of Missouri news transmitted to it by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states other than the State of Missouri, and has done so for a number of years.

8-d. The Kansas City Star Company, in the ordinary course of its business, regularly transmits and delivers from points within the State of Missouri local news to The Associated Press at points located in states other than the State of Missouri, and has done so for a number of years.

8-e. The Kansas City Star Company, in the ordinary course of its business, regularly delivers local news to The Associated Press in the State of Missouri for transmittal by The Associated Press to points located in states other than the State of Missouri, and has done so for a number of years.

8-f. The Kansas City Star Company, in the ordinary course of its business, sells and delivers in states other than the State of Missouri newspapers which it publishes within the State of Missouri, and has done so for a number of years.

8-g. The Kansas City Star Company, in the ordinary course of its business, sells and delivers within the State of Missouri newspapers for sale and delivery in states other than the State of Missouri, and has done so for a number of years.

9-a. The Oklahoma Publishing Co. is engaged, and has been engaged for a number of years, in the business of pub- [fol. 201] lishing and selling a newspaper for the purpose of deriving a profit.

9-b. The Oklahoma Publishing Co., in the ordinary course of its business, regularly receives and publishes in the State of Oklahoma news transmitted to it by The Associated Press from points located in states other than the State of Oklahoma, and has done so for a number of years.

9-c. The Oklahoma Publishing Co., in the ordinary course of its business, regularly receives and publishes in the State of Oklahoma news transmitted to it by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states other than the State of Oklahoma, and has done so for a number of years.

9-d. The Oklahoma Publishing Co., in the ordinary course of its business, regularly transmits and delivers from points within the State of Oklahoma local news to The Associated Press at points located in states other than the State of Oklahoma, and has done so for a number of years.

9-e. The Oklahoma Publishing Co., in the ordinary course of its business, regularly delivers local news to The Associated Press in the State of Oklahoma for transmittal by The Associated Press to points located in states other than the State of Oklahoma, and has done so for a number of years.

9-f. The Oklahoma Publishing Co., in the ordinary course of its business, sells and delivers in states other than the State of Oklahoma newspapers which it publishes within the State of Oklahoma, and has done so for a number of years.

[fol. 202] 9-g. The Oklahoma Publishing Co., in the ordinary course of its business, sells and delivers within the State of Oklahoma newspapers for sale and delivery in states other than the State of Oklahoma, and has done so for a number of years.

10-a. The Register and Tribune Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

10-b. The Register and Tribune Company, in the ordinary course of its business, regularly receives and publishes in the State of Iowa news transmitted to it by The Associated Press from points located in states other than the State of Iowa, and has done so for a number of years.

10-c. The Register and Tribune Company, in the ordinary course of its business, regularly receives and publishes in the State of Iowa news transmitted to it by news agencies other than The Associated Press or by reporters, cor-

respondents, or agents, from points located in states other than the State of Iowa, and has done so for a number of years.

10-d. The Register and Tribune Company, in the ordinary course of its business, regularly transmits and delivers from points within the State of Iowa local news to The Associated Press at points located in States other than the State of Iowa, and has done so for a number of years.

10-e. The Register and Tribune Company, in the ordinary course of its business, regularly delivers local news to [fol. 203] The Associated Press in the State of Iowa for transmittal by The Associated Press to points located in states other than the State of Iowa, and has done so far a number of years.

10-f. The Register and Tribune Company, in the ordinary course of its business, sells and delivers in states other than the State of Iowa newspapers which it publishes within the State of Iowa, and has done so for a number of years.

10-g. The Register and Tribune Company, in the ordinary course of its business, sells and delivers within the State of Iowa newspapers for sale and delivery in states other than the State of Iowa, and has done so for a number of years.

11-a. Rocky Mount Publishing Co. is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

11-b. Rocky Mount Publishing Co., in the ordinary course of its business, regularly receives and publishes in the State of North Carolina news transmitted to it by the Associated Press from points located in states other than the State of North Carolina, and has done so for a number of years.

11-c. Rocky Mount Publishing Co., in the ordinary course of its business, regularly receives and publishes in the State of North Carolina news transmitted to it by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states

other than the State of North Carolina, and has done so for a number of years.

11-d. Rocky Mount Publishing Co., in the ordinary course of its business, regularly transmits and delivers from points within the State of North Carolina local news [fol. 204] to The Associated Press at points located in states other than the State of North Carolina, and has done so for a number of years.

11-e. Rocky Mount Publishing Co., in the ordinary course of its business, regularly delivers local news to The Associated Press in the State of North Carolina for transmittal by The Associated Press to points located in states other than the State of North Carolina, and has done so for a number of years.

11-f. Rocky Mount Publishing Co., in the ordinary course of its business, sells and delivers in states other than the State of North Carolina newspapers which it publishes within the State of North Carolina, and has done so for a number of years.

11-g. Rocky Mount Publishing Co., in the ordinary course of its business, sells and delivers within the State of North Carolina newspapers for sale and delivery in states other than the State of North Carolina, and has done so for a number of years.

12-a. Globe Democrat Publishing Co. is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

12-b. Globe Democrat Publishing Co., in the ordinary course of its business, regularly receives and publishes in the State of Missouri news transmitted to it by The Associated Press from points located in states other than the State of Missouri, and has done so for a number of years.

12-c. Globe Democrat Publishing Co., in the ordinary course of its business, regularly receives and publishes in [fol. 205] the State of Missouri news transmitted to it by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states other than the State of Missouri, and has done so for a number of years.

12-d. Globe Democrat Publishing Co., in the ordinary course of its business, regularly transmits and delivers from points within the State of Missouri local news to The Associated Press at points located in states other than the State of Missouri, and has done so for a number of years.

12-e. Globe Democrat Publishing Co., in the ordinary course of its business, regularly delivers local news to The Associated Press in the State of Missouri for transmittal by The Associated Press to points located in states other than the State of Missouri, and has done so for a number of years.

12-f. Globe Democrat Publishing Co., in the ordinary course of its business, sells and delivers in states other than the State of Missouri newspapers which it publishes within the State of Missouri, and has done so for a number of years.

12-g. Globe Democrat Publishing Co., in the ordinary course of its business, sells and delivers within the State of Missouri newspapers for sale and delivery in states other than the State of Missouri, and has done so for a number of years.

13-a. San Angelo Standard, Inc., is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

13-b. San Angelo Standard, Inc., in the ordinary course of its business, regularly receives and publishes in the [fol. 206] State of Texas news transmitted to it by The Associated Press from points located in states other than the State of Texas, and has done so for a number of years.

13-c. San Angelo Standard, Inc., in the ordinary course of its business, regularly receives and publishes in the State of Texas news transmitted to it by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states other than the State of Texas, and has done so for a number of years.

13-d. San Angelo Standard, Inc., in the ordinary course of its business, regularly transmits and delivers from points within the State of Texas local news to The Associated

Press at points located in states other than the State of Texas, and has done so for a number of years.

13-e. San Angelo Standard, Inc., in the ordinary course of its business, regularly delivers local news to The Associated Press in the State of Texas for transmittal by The Associated Press to points located in states other than the State of Texas, and has done so for a number of years.

13-f. San Angelo Standard, Inc., in the ordinary course of its business, sells and delivers in states other than the State of Texas newspapers which it publishes within the State of Texas, and has done so for a number of years.

13-g. San Angelo Standard, Inc., in the ordinary course of its business, sells and delivers within the State of Texas [fol. 207] newspapers for sale and delivery in states other than the State of Texas, and has done so for a number of years.

14-a. The Times-Picayune Publishing Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

14-b. The Times-Picayune Publishing Company, in the ordinary course of its business, regularly receives and publishes in the State of Louisiana news transmitted to it by The Associated Press from points located in states other than the State of Louisiana, and has done so for a number of years.

14-c. The Times-Picayune Publishing Company, in the ordinary course of its business, regularly receives and publishes in the State of Louisiana news transmitted to it by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states other than the State of Louisiana, and has done so for a number of years.

14-d. The Times-Picayune Publishing Company, in the ordinary course of its business, regularly transmits and delivers from points within the State of Louisiana local news to The Associated Press at points located in states other than the State of Louisiana, and has done so for a number of years.

14-e. The Times-Picayune Publishing Company, in the ordinary course of its business, regularly delivers local news to The Associated Press in the State of Louisiana for transmittal by The Associated Press to points located in states other than the State of Louisiana, and has done so for a number of years.

[fol. 208] 14-f. The Times-Picayune Publishing Company, in the ordinary course of its business, sells and delivers in states other than the State of Louisiana newspapers which it publishes within the State of Louisiana, and has done so for a number of years.

14-g. The Times-Picayune Publishing Company, in the ordinary course of its business, sells and delivers within the State of Louisiana newspapers for sale and delivery in states other than the State of Louisiana, and has done so for a number of years.

15-a. The Tribune Publishing Co. is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

15-b. The Tribune Publishing Co., in the ordinary course of its business, regularly receives and publishes in the State of California news transmitted to it by The Associated Press from points located in states other than the State of California, and has done so for a number of years.

15-c. The Tribune Publishing Co., in the ordinary course of its business, regularly receives and publishes in the State of California news transmitted to it by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states other than the State of California, and has done so for a number of years.

15-d. The Tribune Publishing Co., in the ordinary course of its business, regularly transmits and delivers from points within the State of California local news to The Associated Press at points located in states other than the [fol. 209] State of California, and has done so for a number of years.

15-e. The Tribune Publishing Co., in the ordinary course of its business, regularly delivers local news to The As-

sociated Press in the State of California for transmittal by The Associated Press to points located in states other than the State of California, and has done so for a number of years.

15-f. The Tribune Publishing Co., in the ordinary course of its business, sells and delivers in states other than the State of California newspapers which it publishes within the State of California, and has done so for a number of years.

15-g. The Tribune Publishing Co., in the ordinary course of its business, sells and delivers within the State of California newspapers for sale and delivery in states other than the State of California, and has done so for a number of years.

16-a. Worcester Telegram Publishing Co., Inc., is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

16-b. Worcester Telegram Publishing Co., Inc., in the ordinary course of its business, regularly receives and publishes in the State of Massachusetts news transmitted to it by The Associated Press from points located in states other than the State of Massachusetts, and has done so for a number of years.

16-c. Worcester Telegram Publishing Co., Inc., in the ordinary course of its business, regularly receives and publishes in the State of Massachusetts news transmitted to it, [fol. 210] by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states other than the State of Massachusetts, and has done so for a number of years.

16-d. Worcester Telegram Publishing Co., Inc., in the ordinary course of its business, regularly transmits and delivers from points within the State of Massachusetts local news to The Associated Press at points located in states other than the State of Massachusetts, and has done so for a number of years.

16-e. Worcester Telegram Publishing Co., Inc., in the ordinary course of its business, regularly delivers local news to The Associated Press in the State of Massa-

chusetts for transmittal by The Associated Press to points located in states other than the State of Massachusetts, and has done so for a number of years.

16-f. Worcester Telegram Publishing Co., Inc., in the ordinary course of its business, sells and delivers in states other than the State of Massachusetts newspapers which it publishes within the State of Massachusetts, and has done so for a number of years.

16-g. Worcester Telegram Publishing Co., Inc., in the ordinary course of its business, sells and delivers within the State of Massachusetts newspapers for sale and delivery in states other than the State of Massachusetts, and has done so for a number of years.

17-a. Tribune Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

[fol. 211] 17-b. Tribune Company, in the ordinary course of its business, regularly receives and publishes in the State of Illinois news transmitted to it by The Associated Press from points located in states other than the State of Illinois, and has done so for a number of years.

17-c. Tribune Company, in the ordinary course of its business, regularly receives and publishes in the State of Illinois news transmitted to it by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states other than the State of Illinois, and has done so for a number of years.

17-d. Tribune Company, in the ordinary course of its business, regularly transmits and delivers from points within the State of Illinois local news to The Associated Press at points located in states other than the State of Illinois, and has done so for a number of years.

17-e. Tribune Company, in the ordinary course of its business, regularly delivers local news to The Associated Press in the State of Illinois for transmittal by The Associated Press to points located in states other than the State of Illinois, and has done so for a number of years.

17-f. Tribune Company, in the ordinary course of its business, sells and delivers in states other than the State

of Illinois newspapers which it publishes within the State of Illinois, and has done so for a number of years.

17-g. Tribune Company, in the ordinary course of its business, sells and delivers within the State of Illinois [fol. 212] newspapers for sale and delivery in states other than the State of Illinois, and has done so for a number of years.

18-a. Edward Hubert Butler, individually and as trustee under the Last Will and Testament of Edward H. Butler, deceased, is engaged, and has been engaged, for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

18-b. Edward Hubert Butler, individually and as trustee under the Last Will and Testament of Edward H. Butler, deceased, in the ordinary course of his business, regularly receives and publishes in the State of New York news transmitted to him by The Associated Press which news has been transmitted to the State of New York by The Associated Press from points located in states other than the State of New York and in foreign countries, and has done so for a number of years.

18-c. Edward Hubert Butler, individually and as trustee under the Last Will and Testament of Edward H. Butler, deceased, in the ordinary course of his business, regularly receives and publishes in the State of New York news transmitted to him by news agencies other than The Associated Press or by reporters, correspondents, or agents, from points located in states other than the State of New York, and has done so for a number of years.

18-d. Edward Hubert Butler, individually and as trustee under the Last Will and Testament of Edward H. Butler, deceased, in the ordinary course of his business, regularly [fol. 213] transmits and delivers from points within the State of New York local news to The Associated Press for redelivery by The Associated Press in states other than the State of New York, and has done so for a number of years.

18-e. Edward Hubert Butler, individually and as trustee under the Last Will and Testament of Edward H. Butler, deceased, in the ordinary course of his business, sells and

delivers in states other than the State of New York, newspapers which he publishes within the State of New York, and has done so for a number of years.

18-f. Edward Hubert Butler, individually and as trustee under the Last Will and Testament of Edward H. Butler, deceased, in the ordinary course of his business, sells and delivers within the State of New York newspapers which he publishes within the State of New York for sale and delivery in states other than the State of New York, and has done so for a number of years.

19-a. Each member of The Associated Press located in any of the States of the United States, and not specifically named a defendant, is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

19-b. Each member of The Associated Press located in any of the States of the United States, and not specifically named a defendant, in the ordinary course of its business, regularly receives and publishes in the state in which its newspaper is published news transmitted to it by The As- [fol. 214] sociated Press from points located in states other than the state in which its newspaper is published, and has done so for a number of years.

19-c. Each member of The Associated Press located in any of the States of the United States, and not specifically named a defendant, in the ordinary course of its business, regularly transmits and delivers from points within the state in which its newspaper is published local news to The Associated Press at points located in states other than the state in which its newspaper is published, and has done so for a number of years.

19-d. Each member of The Associated Press located in any of the States of the United States, and not specifically named a defendant, in the ordinary course of its business, regularly delivers local news to The Associated Press in the state in which its newspaper is published for transmittal by The Associated Press to points located in states other than the state in which its newspaper is published, and has done so for a number of years.

19-e. Each of a majority of the members of The Associated Press located in any of the States in the United States, and not specifically named defendants, is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of deriving a profit.

19-f. Each of a majority of the members of The Associated Press located in any of the States of the United States, and not specifically named defendants, in the ordi- [fol. 215] nary course of its business, regularly receives and publishes in the state in which its newspaper is published news transmitted to it by The Associated Press from points located in states other than the state in which its newspaper is published, and has done so for a number of years.

19-g. Each of a majority of the members of The Associated Press located in any of the States of the United States, and not specifically named defendants, in the ordinary course of its business, regularly transmits and delivers from points within the state in which its newspaper is published local news to The Associated Press at points located in states other than the state in which its newspaper is published, and has done so for a number of years.

19-h. Each of a majority of the members of The Associated Press located in any of the States of the United States, and not specifically named defendants, in the ordinary course of its business, regularly delivers local news to The Associated Press in the state in which its newspaper is published for transmittal by The Associated Press to points located in states other than the state in which its newspaper is published, and has done so for a number of years.

19-i. Each of a substantial number of the members of The Associated Press located in any of the States of the United States, and not specifically named defendants, in the ordinary course of its business, sells and delivers newspapers in states other than the state in which its newspaper is published, and has done so for a number of years.

[fol. 216] 19-j. Each of a substantial number of the members of The Associated Press located in any of the States of the United States, and not specifically named defend-

ants, in the ordinary course of its business, sells newspapers within the state in which its newspaper is published for sale and delivery in states other than the state in which its newspaper is published, and has done so for a number of years.

19-k. Each of a substantial number of the members of The Associated Press located in any of the States of the United States, and not specifically named defendants, in the ordinary course of its business, regularly receives and publishes in the state in which its newspaper is published news transmitted to it by news agencies other than The Associated Press or by reporters, correspondents or agents, from points located in states other than the state in which its newspaper is published, and has done so for a number of years.

20-a. The Associated Press, in a brief filed with the United States Bureau of Internal Revenue in April 1936 in support of a claim for exemption of The Associated Press from the taxes imposed by the Federal Social Security Act, made the following statement of fact with regard to the news furnished by The Associated Press:

> Accurate and unbiased information of the functioning of courts, of government, of society in general; reports of discoveries in science; and knowledge of happenings in the neighborhood, nation, and world are not only essential before one can be considered educated but are vital to the efficient functioning of a democracy.

[fol. 217] 20-b. The statement quoted in the preceding paragraph is true.

21-a. There are no news-agencies operating in the United States other than The Associated Press, United Press Associations, and International News Service which are comparable to them in size and in scope and comprehensive of their operations in collecting and distributing to newspapers news originating in this country and in foreign countries.

21-b. There are no organizations operating in the United States other than The Associated Press, United Press Associations, and International News Service which individually undertake to, and do furnish to multiple newspapers

comprehensive reports of the news events of the world of all character.

22-a. Frank B. Noyes was President of The Associated Press from 1900 to April 1938.

22-b. Robert McLean has been President of The Associated Press from April 1938 to date.

22-c. Melville E. Stone was Secretary of The Associated Press from 1900 to April 1927.

22-d. Melville E. Stone acted as General Manager of The Associated Press from 1900 to 1925.

22-e. Kent Cooper has been Secretary of The Associated Press from April 1927 to date.

22-f. Kent Cooper has acted as General Manager of The Associated Press from 1925 to date.

22-g. For the fiscal year beginning in April 1941, the officers of The Associated Press were as follows:

President: Robert McLean
First Vice-President: E. Lansing Ray
Second Vice-President: Stuart H. Perry
[fol. 218] Secretary: Kent Cooper
Assistant Secretary: Lloyd Stratton
Treasurer: L. F. Curtis
Assistant Treasurer:: Alan J. Gould

22-h. For the fiscal year beginning in April 1942, the officers of The Associated Press have been as follows:

President: Robert McLean
First Vice-President: Houston Harte
Second Vice-President: Arthur Hays Sulzberger
Secretary: Kent Cooper
Assistant Secretary: Lloyd Stratton
Treasurer: L. F. Curtis
Assistant Treasurer: Alan J. Gould

22-i. The Executive Committee of the Board of Directors of The Associated Press for the fiscal years beginning in April 1941 and in April 1942, was composed of the following:

Robert McLean
E. Lansing Ray

Stuart H. Perry
Paul Bellamy
Frank B. Noyes
Paul Patterson
E. H. Butler.

22-j. Kent Cooper, Lloyd Stratton, L. F. Curtis and Alan J. Gould devote their full time to the business of The Associated Press and for the year 1941 they received the following compensation:

Kent Cooper—$63,947.50
Lloyd Stratton—$20,000.00
L. F. Curtis—$14,000.00
A. J. Gould—$15,000.00

[fol. 219] 22-k. The entire news service and personnel of The Associated Press are exclusively under the direction, not of the president, but the general manager, by resolution of the Board of Directors.

22-l. The day-to-day business operations of The Associated Press in gathering and disseminating news are conducted by a staff of employees of The Associated Press headed by Kent Cooper, the general manager.

22-m. The general manager of The Associated Press is the executive head of The Associated Press.

22-n. The Associated Press, in a document entitled "SUMMARY OF FACTS CONCERNING THE ORGANIZATION AND OPERATION OF THE ASSOCIATED PRESS", filed with the United States Bureau of Internal Revenue in April 1936 in support of a claim for exemption of The Associated Press from taxes imposed by the Federal Social Security Act, made the following statements:

> The officers of the AP in New York are a general manager, who also is the secretary, an assistant secretary and a treasurer. The general manager, who has two assistant general managers, is authorized by resolution of the Board of Directors to conduct the news service and engage the personnel. He acts as executive head of the organization.

22-o. The statements of fact quoted in the preceding paragraph were true.

22-p. The treasurer of The Associated Press, in an affidavit made August 12, 1937, and filed in the year 1937 with the United States Bureau of Internal Revenue in support [fol. 220] of the claim of The Associated Press for exemption from federal taxation, made the following statement:

> The board of directors has conferred, however, upon the General Manager, executive control of, and responsibility for, the news service and personnel.

22-q. The statement quoted in the preceding paragraph is true.

23-a. The Associated Press as of March 1, 1942, had 16 associate members in continental United States.

23-b. The Associated Press as of March 1, 1942, had six regular members located in Alaska, three regular members located in Hawaii, four regular members located in the Philippine Islands, six regular members located in Mexico, three regular members located in Peru, one regular member located in Argentina, one regular member located in Ecuador, and one regular member located in Panama.

24-a. Exhibit No. 1, annexed hereto and made a part hereof, is a correct statement of the assets and liabilities of The Associated Press as of December 31, 1941.

24-b. Exhibit No. 2, annexed hereto and made a part hereof, is a correct statement of the revenue and expenses of The Associated Press for the year ended December 31, 1941.

24-c. The Associated Press in 1941 expended for salaries and wages an amount in excess of $5,600,000.

24-d. The cost of operations of The Associated Press for [fol. 221] the year 1941 other than for salaries and wages amounted to $5,210,909.47.

24-e. The Associated Press expended for leased wire rentals in 1941 the sum of $2,199,752.50.

24-f. The Associated Press made expenditures in the year 1941 for domestic news collection and news distribution the sum of $8,451,298.15.

24-g. In the year 1942 the Associated Press has been paying at the rate of about $100,000 a month to bring news from Europe.

25-a. The Associated Press operates leased trunk wires in every state of the United States except Maine, New Hampshire, and Vermont.

25-b. As of August 18, 1942, The Associated Press employed 1940 full-time employees and, in addition, a large number of part-time employees.

25-c. Exhibit No. 3, annexed hereto and made a part hereof, is a correct copy of pages numbered 3, 4, 5, and 6 of a document, published by The Associated Press in January 1940, entitled "The Associated Press Directory."

25-d. The statements of fact contained in Exhibit No. 3 are true.

26-a. The Associated Press has entered into contracts with certain foreign news agencies, namely, Reuters Limited, The Press Association Limited and The Telegraph Agency of the Union of Soviet Socialist Republics, whereby it has become entitled to receive news gathered by these agencies.

26-b. La Prensa Asociada, Inc., a corporation incorporated under the laws of the State of New York, is a wholly [fol. 222] owned subsidiary of The Associated Press.

26-c. The Associated Press of Great Britain Limited, a corporation incorporated under the laws of Great Britain, is a wholly owned subsidiary of The Associated Press.

26-d. The Associated Press has entered into contracts with La Prensa Asociada, Inc., The Associated Press of Great Britain Limited, and Press Association, Inc., whereby it has become exclusively entitled to receive all of the news gathered by these three corporations.

27-a. The Associated Press, in a document entitled "Summary of Facts Concerning the Organization and Operation of the Associated Press," filed with the United States Bureau of Internal Revenue in April 1936 in support of a claim for exemption of The Associated Press from the taxes imposed by the Federal Social Security Act, made the following statements relating to assessments upon AP members:

> An assessment is against a field and is prorated according to the number served therein, as for example

two sharing members would each pay one-half of the assessment charged against the field. If one should terminate membership the other would pay the full amount.

27-b. The statements quoted in the preceding paragraph are true.

[fol. 223]. 27-c. Exhibit No. 4, annexed hereto and made a part hereof, is a correct copy of a communication of Robert McLean, president of The Associated Press, to the members of The Associated Press and of a private circular, dated July 7, 1941, of L. F. Curtis, treasurer of The Associated Press to members of The Associated Press, enclosed with said letter.

27-d. The statements of fact contained in the communication and circular referred to in the preceding paragraph are true.

28-a. A duly authorized representative of The Associated Press supplied to the Department of Justice in June or July 1942, a statement of the names of all directors of The Associated Press since 1900 and the year or years of service of each director, a correct copy of which is annexed hereto and make a part hereof and marked Exhibit No. 5.

28-b. In Exhibit No. 5, where the year in the first column of figures is followed by a dash and no year appears in the second column of figures, this means that the service was continuous from the year shown in the first column to and including 1942.

28-c. The facts set forth in Exhibit No. 5 are true.

28-d. The directors of The Associated Press elected each year, beginning in 1937, from owners of newspapers published in cities or towns of less than 50,000 population have been Josh L. Horne, Stuart H. Perry, and Houston Harte.

28-e. Only 26 persons have been members of the Executive Committee of the Board of Directors of The Associated [fol. 244] Press from its organization in 1900 to date.

28-f. Each of the following persons died while he was a director of The Associated Press:

Harvey W. Scott
Charles W. Knapp

Herman Ridder
Victor F. Lawson
Clark Howell
Adolph S. Ochs
Charles Hopkins Clark
Samuel Bowles
Elbert H. Baker
H. V. Jones
Irwin R. Kirkwood
Frederick E. Murphy

28-g. Each of the following persons voluntarily resigned as a director of The Associated Press:

Stephen O'Meara
George Thompson
Charles H. Grasty
Albert J. Barr
Thomas G. Rapier
W. L. McLean
William D. Brickell
A. C. Weiss
V. S. McClatchy
Frederick Roy Martin
Charles A. Rook
D. E. Town
Oswald Garrison Villard
D. D. Moore
Frank E. Garnett

28-h. It is stated in the annual reports of The Associated Press that each of the following persons resigned as a director of The Associated Press because he had sold or [fol. 225] otherwise disposed of his newspaper or newspapers, or his newspaper interest:

Charles H. Grasty
Albert J. Barr
A. C. Weiss
V. S. McClatchy
Charles A. Rook
Oswald Garrison Villard
D. D. Moore

28-i. It is stated in the annual reports of The Associated Press that George Thompson resigned as a director of The

Associated Press because he and another director had become associated in ownership of the same newspaper.

28-j. It is stated in the annual reports of The Associated Press that Thomas A. Rapier resigned as a director of The Associated Press because he was no longer a member of The Associated Press.

28-k. It is stated in the annual reports of The Associated Press that W. L. McLean resigned as a director of The Associated Press because the membership held by him had been transferred to his son.

28-l. It is stated in the annual reports of The Associated Press that Frederick Roy Martin resigned as a director of The Associated Press because he had been appointed assistant general manager of The Associated Press.

28-m. It is stated in the annual reports of The Associated Press that D. E. Town resigned as a director of The Associated Press because he was no longer actively engaged in the newspaper business.

[fol. 226] 28-n. It is stated in the annual reports of The Associated Press that Frank E. Gannett resigned as a director of The Associated Press because he was a candidate for the Republican nomination for President.

28-o. Each of the following persons while serving as a director of The Associated Press declined or refused nomination for election as a director of The Associated Press for a period beyond that for which he was then serving:

Whitelaw Reid
W. R. Nelson
Charles H. Taylor
John R. Rathom
Richard Hooker
Victor F. Ridder
Jerome D. Barnum

28-p. It is stated in the annual reports of The Associated Press that Don C. Seitz withdrew his nomination for election in 1901 as a director of The Associated Press.

28-q. It is stated in the annual reports of The Associated Press that B. H. Anthony was not nominated in 1932 for

election as a director of The Associated Press because of his ill health.

28-r. The only persons who, after serving as directors of The Associated Press, were nominated for election for a further period of service as directors and were defeated for election, were W. Y. Morgan, Frederick I. Thompson, and W. J. Pape.

28-s. Frederick I. Thompson, after being defeated for election as a director of The Associated Press in 1927, was [fol. 227] nominated and elected as a director in 1928 and was defeated for election as a director in 1933.

29-a. The number of newspaper owners, members of The Associated Press, each holding $1,000.00 or more of the bonds of The Associated Press is less than 100.

29-b. Every member of The Associated Press holding bonds of The Associated Press has waived the right to receive interest on said bonds.

29-c. A report made by a committee of three appointed by the president of The Associated Press pursuant to a motion adopted by the Executive Committee of The Associated Press on May 26, 1926, to consider and report on the question of the bonds of The Associated Press contained the statements set forth in Exhibits No. 6, annexed hereto and made a part hereof.

29-d. The report of the committee referred to in the preceding paragraph was adopted by the Board of Directors of The Associated Press prior to the annual meeting of members in 1927 and was read at said annual meeting.

29-e. A report of a committee of six appointed by the president of The Associated Press pursuant to a resolution adopted at the annual meeting of members in 1927, to consider and make a report on the question of a redistribution of bonds of The Associated Press and on the question of an adjustment of protest rights of members of The Associated Press, contained the statements set forth in Exhibit No. 7, annexed hereto and made a part hereof.

29-f. The report of the committee referred to in the preceding paragraph was approved by the Board of Directors [fol. 228] of The Associated Press prior to the annual meeting of members in 1928 and at said annual meeting said

report was approved by the members and the directors were authorized to take all necessary steps to effectuate the recommendations made in the report.

30. The staffs of more than 1,200 newspapers in the United States gather news throughout the United States respecting unanticipated noteworthy events occurring in remote regions or small communities, such as airplane accidents, train wrecks, tornadoes, or mine disasters, which news is furnished to The Associated Press.

31-a. Press Association, Inc., is a corporation which was incorporated under the laws of the State of New York on October 14, 1940.

31-b. All of the capital stock of Press Association, Inc., is owned by The Associated Press.

31-c. The Associated Press caused Press Association, Inc., to be incorporated.

31-d. Press Association, Inc., is engaged in selling, principally to radio broadcasters, news, news pictures, features, and cartoon comics, including news, news pictures, features, and comics furnished to Press Association, Inc., by The Associated Press.

31-e. Press Association, Inc., is obligated to The Associated Press to furnish The Associated Press news, information and intelligence and news pictures which are collected by Press Association, Inc., and also was obligated to pay to The Associated Press the sum of $10,000 monthly during the year 1942.

31-f. As at December 31, 1941, the books of Press Asso- [fol. 229] ciation, Inc., showed that it had total assets amounting to $206,696.16 and total current liabilities of $206,839.81, including an indebtedness to The Associated Press in the amount of $159,419.25.

31-g. The Board of Directors of Press Association, Inc., for the year beginning in April 1942 have been, and are, the following: Paul Bellamy, Edward H. Butler, Robert McLean, Frank B. Noyes, Paul Patterson, Stuart H. Perry, E. Lansing Ray, and Kent Cooper.

31-h. The officers of Press Association, Inc., for the year beginning in April 1942 have been, and are, the following:

Chairman of the Board of Directors—Robert McLean, who is president and a member of the Board of Directors of The Associated Press; President—Kent Cooper, who is general manager of The Associated Press; Vice President—William J. McCambridge, who was, prior to 1941, the assistant general manager and the assistant secretary of The Associated Press; Secretary—Oliver S. Gramling; Treasurer—Robert R. Booth; Assistant Treasurer—William J. McCambridge.

31-i. From January 1941 to sometime in April 1942, the eight directors of Press Association, Inc., were the persons who constituted, during the corresponding period of time, the Executive Committee of the Board of Directors of The Associated Press and Kent Cooper, who, during the entire time, was general manager of The Associated Press.

31-j. During the entire period of its operations the principal place of business of Press Association, Inc., has been [fol. 230] 50 Rockefeller Plaza, New York, New York.

31-k. On or about January 24, 1941, The Associated Press issued and sent to its members a "Note to Editors," a correct copy of which is annexed hereto and made part hereof and marked Exhibit No. 8.

31-l. The statements of fact contained in Exhibit No. 8 are true.

32-a. Prior to March 1942, Press Association, Inc., made and issued to certain members of the public an advertising brochure a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 9.

32-b. Press Association, Inc., has issued the brochure referred to in the preceding paragraph to numerous customers and potential customers of Press Association, Inc.

32-c. Said brochure was made and issued with the knowledge of the officers of Press Association, Inc.

32-d. Said brochure was made and issued pursuant to authorization of the Board of Directors of Press Association, Inc.

32-e. Said brochure was made and issued with the knowledge of the persons who then constituted a majority of the Executive Committee of The Associated Press.

32-f. Said brochure was made and issued with the consent of the persons who then constituted a majority of the Executive Committee of The Associated Press.

[fol. 231] 32-g. Said brochure was made and issued without objection on the part of any of the persons who then constituted the Executive Committee of The Associated Press.

32-h. Said brochure was made and issued with the knowledge of the salaried officers of The Associated Press.

32-i. Said brochure was made and issued without objection on the part of any of the officers of The Associated Press.

32-j. Said brochure was made and issued with the consent of certain of the officers of The Associated Press.

32-k. Said brochure was made and issued with the knowledge of the Board of Directors of The Associated Press.

32-l. Said brochure was made and issued without objection on the part of the Board of Directors of The Associated Press.

32-m. Said brochure was made and issued with the consent of the Board of Directors of The Associated Press.

32-n. The Associated Press has never, prior to the institution of this suit, denied any of the statements set forth in said brochure.

32-o. The Associated Press has never, prior to the institution of this suit, made any corrections or amendments to said brochure.

33-a. Melville E. Stone was, prior to May 16, 1900, the general manager of the Associated Press (of Illinois).

[fol. 232] 33-b. Exhibit No. 10, annexed hereto and made a part hereof, is a correct copy of the by-laws of the Associated Press (of Illinois) in effect immediately prior to September 30, 1900.

33-c. The Board of Directors of the Associated Press (of Illinois) on or about May 16, 1900, made a report to the stockholders of the Associated Press (of Illinois), a correct copy of which report is annexed hereto and made a part hereof, and marked Exhibit No. 11.

33-d. The stockholders of the Associated Press (of Illinois) at their meeting held in Chicago, Illinois, September 12-13, 1900, adopted the resolution, a correct copy of which is annexed hereto and made a part hereof, and marked Exhibit No. 12.

33-e. Frank B. Noyes, President of The Associated Press, a New York corporation, on or about September 14, 1900, issued and sent to the members of the Associated Press (of Illinois) the statement, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 13.

33-f. Charles W. Knapp, president of the Associated Press (of Illinois) on or about September 20, 1900, issued and sent to the members of the Associated Press (of Illinois) and the members of The Associated Press, a New York corporation, the statement, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 14.

33-g. Frank B. Noyes, president of the Associated Press, a New York corporation, on or about September 20, 1900, sent to the members of the Associated Press (of Illinois) [fol. 233] and the members of The Associated Press, a New York corporation, the notice, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 15.

33-h. Charles W. Knapp, president of the Associated Press (of Illinois), issued and sent to the members of the Associated Press (of Illinois) the statement dated September 21, 1900, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 16.

33-i. A committee of members of the Associated Press (of Illinois) appointed September 12, 1900, and consisting of the following: H. W. Scott, chairman; V. S. McClatchy, secretary; F. E. Whiting; F. D. White; H. J. Ford; M. D. Munn; H. H. Kohlsaat; John Hicks; D. A. Tompkins; F. G. Rapier, F. B. Noyes; E. C. Hughes, and P. H. Lannan, made a report dated September 21, 1900, to the members of the Associated Press (of Illinois), a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 17.

33-j. A committee of the Board of Directors of the Associated Press (of Illinois) consisting of Charles W. Knapp, Victor F. Lawson, and Charles W. Grasty, sent to The Associated Press, incorporated under the laws of the State of New York, a communication dated September 18, 1900, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 18.

33-k. A committee of the Directors of The Associated Press, a New York corporation, composed of Stephen [fol. 234] O'Meara, William L. McLean, and Frank B. Noyes, sent a communication dated September 20, 1900, to Charles W. Knapp, Charles W. Grasty and Victor F. Lawson, constituting a committee of the Board of Directors of the Associated Press (of Illinois), a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 19.

33-l. A committee of the Directors of The Associated Press, a New York corporation, composed of Stephen O'Meara, William L. McLean, and Frank B. Noyes sent a communication dated September 20, 1900, to Charles W. Knapp, Charles W. Grasty, and Victor F. Lawson, constituting a committee of the Board of Directors of the Associated Press (of Illinois), a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 20.

33-m. The Board of Directors of The Associated Press, a New York corporation, on or about September 29, 1900, adopted a resolution, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 21.

33-n. The Board of Directors of The Associated Press, a New York corporation, on or about September 29, 1900, adopted a resolution, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 22.

33-o. Of the six incorporators of The Associated Press, namely, Stephen O'Meara, Adolph S. Ochs, St. Clair McKelway, William L. McLean, Frank B. Noyes, and Alfred H. Belo, Stephen O'Meara had been, prior to May 16, 1900, first vice-president of the Associated Press (of Illinois); [fol. 235] Frank B. Noyes and William L. McLean had been, prior to May 16, 1900, Directors of the Associated

Press (of Illinois); St. Clair McKelway, Adolph F. Ochs, and Alfred H. Belo had been, prior to May 16, 1900, representatives of stockholders of the Associated Press (of Illinois).

33-p. Over 90% of the persons who were stockholders and members of the Associated Press (of Illinois) in 1900 became in that year members of The Associated Press.

33-q. The 278 members of The Associated Press who were given "protest rights" in 1900 when The Associated Press was organized had all been in the year 1900 holders of certificates of membership of Series A issued by the Associated Press (of Illinois).

33-r. The bonds of The Associated Press issued prior to 1928 were issued only to those members of The Associated Press who had been stockholders of the Associated Press (of Illinois) in the year 1900, or to successors of such members.

34-a. The president of The Associated Press at the annual meeting of AP members in 1922, in the course of his remarks to the meeting made the statements set forth in Exhibit No. 23, annexed hereto and made a part hereof.

34-b. The 23rd annual volume of the annual reports of The Associated Press contains a report of the remarks of the president of The Associated Press to the meeting of AP members in 1922 which reported remarks include the statements set forth in Exhibit No. 23.

[fol. 236] 35-a. In the year 1933 the application of the Craven Publishing Co., as owner of a newspaper known as the New Bern Tribune published in New Bern, North Carolina, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

35-b. One of the reasons for the non-election of the Craven Publishing Co. by the Board of Directors was that The Associated Press member owning the New Bern Sun-Journal objected to its election.

35-c. The Craven Publishing Co. has never become a member of The Associated Press.

35-d. In the year 1933 the application of the Moundsville Journal Co., as owner of a newspaper known as the Moundsville Journal published in Moundsville, West Virginia, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

35-e One of the reasons for the non-election of the Moundsville Journal Co. by the Board of Directors was that The Associated Press member owning the Moundsville Echo objected to its election.

35-f. The Moundsville Journal Co. has never become a member of The Associated Press.

35-g. In the year 1933 the application of The Vincennes Post, Inc., as owner of a newspaper known as the Vincennes Post to be published in Vincennes, Indiana, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

35-h. One of the reasons for the non-election of The Vincennes Post, Inc., by the Board of Directors was that [fol. 237] The Associated Press member owning the Vincennes Sun-Commercial objected to its election.

35-i. The Vincennes Post, Inc., has never become a member of The Associated Press.

35-j. In the year 1934 the application of the Blackwell Tribune Publishing Co., as owner of a newspaper to be established at Ponca City, Oklahoma, under the name of Ponca City Tribune, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

35-k. One of the reasons for the non-election of the Blackwell Tribune Publishing Co. by the Board of Directors was that The Associated Press member owning the Ponca City News objected to its election.

35-l. The Blackwell Tribune Publishing Co. has never become a member of The Associated Press.

35-m. In the year 1935 the application of the Athens Georgia Times & Georgian, as owner of a newspaper known as the Athens Times published in Athens, Georgia, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

35-n. One of the reasons for the non-election of the Athens Georgia Times & Georgean by the Board of Directors was that The Associated Press member owning the Athens Banner Herald objected to its election.

35-o. The Athens Georgia Times & Georgian has never become a member of The Associated Press.

35-p. In the year 1935 the application of Wallace Stevens, as owner of a newspaper known as the Hollywood Sun, to be published as a daily in Hollywood, Florida, for member-[fol. 238] ship in The Associated Press was not granted by the Board of Directors of The Associated Press.

35-q. One of the reasons for the non-election of Wallace Stevens by the Board of Directors was that The Associated Press members owning the Miami Herald and Fort Lauderdale Daily News objected to his election.

35-r Wallace Stevens has never become a member of The Associated Press.

35-s. In the year 1935 the application of the Valley News Company, as owner of a newspaper known as the Portales Valley News published in Portales, New Mexico, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

35-t. One of the reasons for the non-election of the Valley News Company by the Board of Directors was that The Associated Press member owning the Clovis Evening News Journal objected to its election.

35-u. The Valley News Company has never become a member of The Associated Press.

35-v. In the year 1935 the application of the Southwest Printing Company, as owner of a newspaper known as the Liberal Southwest Times published in Liberal, Kansas, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press,

35-w. One of the reasons for the non-election of the Southwest Printing Company by the Board of Directors was [fol. 239] that The Associated Press member owning the Liberal News objected to its election.

35-x. The Southwest Printing Company has never become a member of The Associated Press.

35-y. In the year 1936 the application of J. L. Meeks, Jr., as owner of a newspaper known as the Gainesville Morning News published in Gainesville, Florida, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

35-z. One of the reasons for the non-election of J. L. Meeks, Jr., by the Board of Directors was that The Associated Press member owning the Gainesville Sun objected to his election.

35-aa. J. L. Meeks, Jr., has never become a member of The Associated Press.

35-bb. In the year 1937, and again in the year 1938, the application of the Sun Publishing Company, as owner of a newspaper known as the Las Cruces Morning Sun published in Las Cruces, New Mexico, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

35cc. One of the reasons for the non-election of the Sun Publishing Company by the Board of Directors was that The Associated Press members owning the Las Cruces News, El Paso Herald-Post, and El Paso Times objected to its election.

35-dd. The Sun Publishing Company has never become a member of The Associated Press.

35-ee. In the year 1937 the applications of Carlos P. Rumolo, as owner of newspapers known as the Manila El [fol. 240] Debate, Mabuhay and La Opinion published in Manila, Philippine Islands, for membership in The Associated Press were not granted by the Board of Directors of The Associated Press.

35-ff. One of the reasons for the non-election of Carlos P. Rumolo by the Board of Directors was that The Associated Press members owning the Manila Tribune, Manila Bulletin, Manila Taliba, and Manila LaVanguardia objected to his election.

35-gg. Carlos P. Rumolo has never become a member of The Associated Press.

35-hh. In the year 1937 and again in the year 1939 the application of the Moorhead News Co., Inc., as owner of a newspaper known as the Moorhead News published in Moorhead, Minnesota, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

35-ii. One of the reasons for the non-election of the Moorhead News Co., Inc., by the Board of Directors was that The Associated Press member owning the Fargo Forum published in Fargo, North Dakota, objected to its election.

35-jj. The Moorhead News Co., Inc., has never become a member of The Associated Press.

35-kk. In the year 1937 the application of the Peninsula Newspapers, Inc., as owner of a newspaper known as the Burlingame Advance published in Burlingame, California, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

45-ll. One of the reasons for the non-election of Peninsula Newspapers, Inc., by the Board of Directors was that The [fol. 241] Associated Press members owning the San Francisco Call-Bulletin, the San Francisco Chronicle, and the San Francisco Examiner had not waived their "right of protest" against its election.

35-mm. The Peninsula Newspapers, Inc., has never become a member of The Associated Press.

35-nn. In the year 1938 the application of W. A. Spence, as owner of a newspaper known as the Metropolis Herald to be established in Metropolis, Illinois, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

35-oo. One of the reasons for the non-election of W. A. Spence by the Board of Directors was that The Associated Press member owning the Paducah Sun Democrat published in Paducah, Kentucky, objected to his election.

35-pp. W. A. Spence has never become a member of The Associated Press.

35-qq. In the year 1938 the application of the Feltus Printing Company, as owner of a newspaper known as the Bloomington Star published in Bloomington, Indiana, for

membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

35-rr. One of the reasons for the non-election of the Feltus Printing Company was that The Associated Press member owning the Bloomington World objected to its election.

35-ss. The Feltus Printing Company has never become a member of The Associated Press.

35-tt. In the year 1938 the application of the Oil Field Publishing Company, as owner of a newspaper known as the [fol. 242] Hobbs Daily Post published in Hobbs, New Mexico, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

35-uu. One of the reasons for the non-election of the Oil Field Publishing Company was that The Associated Press member owning the Hobbs News Sun objected to its election.

35-vv. The Oil Field Publishing Company has never become a member of The Associated Press.

35-ww. In the year 1941 the application of the Endicott Bulletin, Inc., as owner of a newspaper known as the Endicott Bulletin published in Endicott, New York, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

35-xx. One of the reasons for the non-election of the Endicott Bulletin, Inc., was that The Associated Press member owning the Binghamton Press objected to its election.

35-yy. The Endicott Bulletin, Inc., has never become a member of The Associated Press.

35-zz. In the year 1941 the application of the Tribune Company, as owner of a newspaper known as the Chicago Evening Tribune to be published in Chicago, Illinois, for membership in The Associated Press was not granted by the Board of Directors of The Associated Press.

35-aaa. One of the reasons for the non-election of the Tribune Company was that The Associated Press members owning the Chicago Daily News and the Chicago Herald American objected to its election.

[fol. 243] 35-bbb. Tribune Company has never become a member of The Associated Press for an evening newspaper.

35-ccc. During the period 1931-1940, inclusive, only two applications for AP memberships as to which AP members held "protest rights" were submitted to the vote of the AP members.

35-ddd. The two applications referred to in the preceding paragraph were those of Peninsula Newspapers, Inc., and Olmstead Company, Inc.

35-eee. Peninsula Newspapers, Inc., and Olmstead Company, Inc., failed of election by the members of The Associated Press in April 1937.

35-fff. Olmstead Company, Inc., was elected a member of The Associated Press in January 1938, by the Board of Directors after waivers of "protest rights" had been received from The Associated Press members, namely, the owners of the San Francisco Call-Bulletin and the San Francisco Examiner.

36-a. In his report to the Board of Directors of The Associated Press in April 1933, the General Manager of The Associated Press made the following statements with regard to The Associated Press:

> Moreover, the larger the number of participants in a truly cooperative endeavor, the smaller the pro rata expense to each.
>
> The policy of the present management has been to effect economies by justifiable retrenchment, elimination of unproductive expenses, curtailment of wires, and other reductions of transmission costs. Coupled with this effort we have sought to increase the membership, in fields where the recruiting would not in- [fol. 244] fringe upon the home territories of existing members, that the costs might be more widely proportioned.

36-b. The statements of fact quoted in the preceding paragraph were true.

36-c. Exhibit No. 24, annexed hereto and made a part hereof, is a correct copy of the report of the Special Committee on Revisions of the By-Laws, appointed by the President of The Associated Press pursuant to a resolution adopted at the 1941 annual meeting of the members of The Associated Press, which report was presented to the

annual meeting of the members of The Associated Press held in April 1942.

37-a. The annual reports of The Associated Press do not report the arguments or discussions at meetings of members of The Associated Press when the question of electing an applicant or applicants for membership in The Associated Press came before the members for vote, except in the case of the annual meeting of members in 1924.

37-b. At the annual meeting of members of The Associated Press in 1924, an application for membership in The Associated Press by the owner of the Baltimore Evening Sun, an afternoon newspaper published in Baltimore, Maryland, was presented for a vote of the members.

37-c. At the annual meeting of members of The Associated Press in 1924 a representative of The Associated Press member owning the Baltimore News, an afternoon newspaper published in Baltimore, Maryland, in op- [fol. 245] posing the election to membership of the owner of the Baltimore Evening Sun, stated that such election would establish a precedent which would have the effect of stripping whatever value inheres in exclusive membership for any particular field; that the Baltimore News' property right might and would be seriously impaired by granting membership to a competitor, which would improve the competitor's service; that electing the applicant would be contrary to precedent; that membership in The Associated Press would be worth hundreds of thousands of dollars to the Baltimore Evening Sun because membership would bring strength as a competitive factor to this newspaper which it had never had before.

37-d. At the 1924 meeting of members of The Associated Press, the general manager of the Baltimore News told the members that they have for many years figured their Associated Press membership as having a very definite value and that if members are not allowed to get the full benefit of this, then the financial asset which they consider their AP membership to be, cannot be considered as such in the future.

37-e. At the 1924 meeting of members of The Associated Press, a representative of the owner of the Memphis

Commercial Appeal, a member of The Associated Press, in opposing election of the owner of the Baltimore Evening Sun to membership in The Associated Press, said that the common law of The Associated Press has been such that a member in a certain city, or in any city, had a right to protection in those privileges which his membership gives him.

[fol. 246] 37-f. The report of the annual meeting of members of the Associated Press in 1924 contained in the 25th volume of the annual reports of The Associated Press, sets forth the substance of the statements referred to in paragraphs 37-c to 37-e, inclusive.

37-g. The vote in 1924 by members of The Associated Press was insufficient to elect the owner of the Baltimore Evening News to membership in The Associated Press.

37-h. In the case of every applicant for membership in The Associated Press during the last 20 years whose application was voted on by the members of The Associated Press and who failed of election, one or more members of The Associated Press owning a newspaper or newspapers competitive with that owned by the applicant solicited votes and proxies in opposition to the election of the applicant.

38-a. Assessments paid to The Associated Press by members of The Associated Press in the following cities from October 1, 1900, through June 30, 1942, in the respective fields (A. M. & Sunday, and P. M.) are as follows:

Cities	A. M. & Sunday	P. M.
New York	$8,243,338.21	$5,750,034.93
Chicago	3,342,504.61	3,423,103.54
Detroit	1,527,896.82	1,546,068.63
Los Angeles	2,281,268.15	1,347,098.02
St. Louis	1,823,234.15	1,868,822.32
Baltimore	1,691,637.79	1,486,581.29
Boston	2,536,801.56	2,189,179.24
Cleveland	1,448,656.32	1,314,741.82
Philadelphia	2,867,193.45	2,881,152.64
Pittsburgh	1,885,988.70	1,476,064.07
Washington, D. C.	1,189,300.77	882,931.98

[fol. 247] 38-b. The total amount of current weekly drafts received by The Associated Press from members of The

Associated Press in the following cities from October 1, 1900, to July 1, 1942, in the respective fields (A. M. & Sunday, and P. M.) are as follows:

Cities	A. M. & Sunday	P. M.
New York	$8,243,338.21	$5,750,084.93
Chicago	8,342,504.61	3,423,103.54
Detroit	1,527,896.82	1,546,068.63
Los Angeles	2,281,268.15	1,347,098.02
St. Louis	1,823,234.15	1,868,822.32
Baltimore	1,691,637.79	1,486,581.29
Boston	2,536,801.56	2,189,179.24
Cleveland	1,448,656.32	1,314,741.82
Philadelphia	2,867,193.45	2,881,152.64
Pittsburgh	1,885,988.70	1,476,064.07
Washington, D. C.	1,189,300.77	882,981.98

38-c. The annual assessments paid The Associated Press by members of The Associated Press in the following cities in the respective fields (A. M. & Sunday, and P. M.) were as follows as of August 3, 1942:

Cities	A. M. and Sunday	P. M.
New York	$477,380.91	$365,001.07
Chicago	138,877.30	198,590.77
Detroit	91,309.97	100,234.22
Los Angeles	164,422.08	85,550.79
St. Louis	77,974.43	90,600.83

38-d. The current amount which The Associated Press members were assessed by The Associated Press in the following cities in the respective fields (A. M. & Sunday, and P. M.), based on the current weekly draft which includes news services and other obligations, were as follows as of August 3, 1942:

[fol. 248] Cities	A. M. and Sunday	P. M.
New York	$477,380.91	$365,001.07
Chicago	138,877.30	198,590.77
Detroit	91,309.97	100,234.22
Los Angeles	164,422.08	85,550.79
St. Louis	77,974.43	90,600.83

38-e. The annual assessments paid The Associated Press by members of The Associated Press in the following cities

in the respective fields (A. M. & Sunday, and P. M.) were as follows as of August 10, 1942:

Cities	A. M. and Sunday	P. M.
Baltimore	$69,733.25	$97,749.61
Boston	112,253.15	103,341.94
Cleveland	66,907.11	68,187.22
Philadelphia	130,391.04	142,639.40
Pittsburgh	63,901.08	61,731.93
Washington, D. C.	61,473.83	60,991.50

38-f. The current amount which The Associated Press members were assessed by The Associated Press in the following cities in the respective fields (A. M. & Sunday, and P. M.), based on the current weekly draft which includes news services and other obligations, were as follows as of August 10, 1942:

Cities	A. M. and Sunday.	P. M.
Baltimore	$69,733.25	$97,749.61
Boston	112,253.15	103,341.94
Cleveland	66,907.11	68,187.22
Philadelphia	130,391.04	142,639.40
Pittsburgh	63,901.08	61,731.93
Washington, D. C.	61,473.83	60,991.50

38-g. On or about August 3, 1942, a duly authorized representative of The Associated Press supplied to the Depart- [fol. 249] ment of Justice a statement, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 25.

38-h. The facts set forth in Exhibit No. 25 were true as of August 3, 1942.

38-i. On or about August 10, 1942, a duly authorized representative of The Associated Press supplied to the Department of Justice a statement, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 26.

38-j. The facts set forth in Exhibit No. 26 were true as of August 10, 1942.

38-k. Prior to April 1942, The Associated Press had never demanded of an applicant for membership in The Associated Press that he or it make any money contribution, di-

rectly or indirectly, to The Associated Press or to its members as a condition to becoming a member.

39-a. Marshall Field wrote the letter dated September 24, 1941, to the President of The Associated Press, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 27.

39-b. The general manager of The Associated Press wrote the letter dated September 25, 1941, to Silliman Evans, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 28.

39-c. Silliman Evans wrote the letter dated September 26, 1941, to Kent Cooper, general manager of The Associated Press, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 29.

[fol. 250] 39-d. Enclosed with the letter from Silliman Evans to Kent Cooper dated September 26, 1941, was a formal application by Marshall Field for membership in The Associated Press, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 30.

39-e. Lloyd Stratton, assistant secretary of The Associated Press, wrote the letter dated October 2, 1941, to Silliman Evans, a correct copy of which is annexed hereto and made a part hereof, marked Exhibit No. 31.

39-f. Marshall Field wrote the letter to Kent Cooper dated October 24, 1941, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 32.

39-g. Enclosed with the letter from Marshall Field to Kent Cooper dated October 24, 1941, was a copy of a letter from Louis S. Weiss, attorney for Marshall Field, to Silliman Evans dated October 23, 1941, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 33.

39-h. Marshall Field by letter dated November 15, 1941, addressed to the president of The Associated Press, transmitted to The Associated Press a copy of a letter in which he had offered to pay $250,000 in cash for the Associated Press morning membership held by the Illinois Publishing and Printing Company for its newspaper, the Chicago Herald-American.

39-i. Marshall Field wrote the letter dated December 8, 1941, to the president of The Associated Press, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 34.

[fol. 251] 39-j. The president of The Associated Press wrote the letter dated January 28, 1942, to Silliman Evans, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 35.

39-k. Marshall Field wrote the letter dated March 7, 1942, to the assistant general manager of The Associated Press, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 36.

39-l. Enclosed with the letter of Marshall Field to Lloyd Stratton dated March 7, 1942, was a copy of a form of letter from Marshall Field dated March 5, 1942, to members of The Associated Press, a correct copy of which form of letter is annexed hereto and made a part hereof and marked Exhibit No. 37.

39-m. Eleanor Medill Patterson wrote the letter dated November 3, 1941, to The Associated Press, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 38.

39-n. Eleanor Medill Patterson wrote the letter dated April 8, 1942, to the president of The Associated Press, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 39.

40-a. The Chicago Daily Tribune, the newspaper owned and published by Tribune Company, a member of The Associated Press, was and is in competition with the Chicago Sun, the newspaper owned by Marshall Field.

40-b. Tribune Company solicited from other members of The Associated Press votes and proxies against the election of Marshall Field to membership in The Associated Press.

[fol. 252] 40-c. Votes and proxies obtained by the solicitation described in the preceding paragraph were cast, at the meeting of AP members held in April 1942, against the election of Marshall Field.

40-d. The Washington Post and The Evening Star published in Washington, D. C., were, and are, in competi-

tion with the Washington Times-Herald, a newspaper owned by Eleanor Medill Patterson.

40-e. Representatives of the owners of The Washington Post and The Evening Star addressed the meeting of AP members held in April 1942 in opposition to the election of Eleanor Medill Patterson to memberships in The Associated Press.

40-f. One of the reasons for the non-election of Marshall Field to membership in The Associated Press by the members of The Associated Press in April 1942 was the fact that the newspaper owned by Marshall Field and published in Chicago, Illinois, was in competition with newspapers owned by Associated Press members and published in Chicago, Illinois.

40-g. One of the reasons for the non-election of Eleanor Medill Patterson to memberships in The Associated Press by the members of The Associated Press in April 1942 was the fact that the newspaper owned by Eleanor Medill Patterson and published in Washington, D. C., was in competition with newspapers owned by Associated Press members and published in Washington, D. C.

40-h. An article by Walter E. Schneider entitled "AP, Facing U. S. Suit, Drops Right of Protest; Chicago Sun [fol. 253] Barred," published in the magazine "Editor and Publisher" in its issue of April 25, 1942, contains the following statements:

> Col. McCormick did not speak at the meeting against the Sun application, but Arch Ward, Chicago Tribune sports editor, took the floor with the proxy of the *Norwich* (Conn.) *Record* to make an impassioned 15-minute plea against admission of the Sun. Ward said he represented the 3,500 Tribune employees whose job security would be threatened if the Sun were admitted in "one swift action".
>
> Ward, who led the fight against the Sun, attacked Mr. Field as a rich man who had made his money in other Chicago business ventures, had gone elsewhere to spend it and had now returned to start a newspaper in competition with the Tribune "because some one doesn't like Col. McCormick's editorial policies".
>
> Sports Editor Ward started his prepared talk in

a baseball vein, speaking of an "imported slugger" who after a few weeks finally convinced the Chicago Cubs that "he couldn't hit major league pitching." It concluded with his opinion that he was chosen by Tribune stockholders and other employees to present "their side of this case" because he came from the sports department and had spent his life "among men who play the game according to rules and who do not expect to have the rules changed in the middle of the game."

Tribune employees' salaries "may be affected sharply," Ward declared in charging that Mr. Field was using his wealth to sell advertising space at "give-away" rates and had offered three times the prevail- [fol. 254] ing wage scale to reporters. "Anything that hurts the Tribune hurts us," he said. "To my knowledge no one on the Tribune fears competition. All we ask is that our competition be clean, wholesome, and fair."

Ward declared the Sun was accepting abnormally high circulation returns at a total loss of "a couple of million dollars a year." The reason for this, he alleged, was that "most of Mr. Field's losses would be made up by his savings in income taxes." Ward also argued that if the application was granted "any rich man would be willing to start a paper in competition with yours if he knew in advance it would cost him little."

40-i. The statements ascribed to Arch Ward in the quotation set forth in the preceding paragraph were made in substance by Arch Ward at the meeting of The Associated Press members in April 1942.

40-j. The article by Walter E. Schneider referred to in paragraph 40-h contains the following statement:

Mr. Evans told the meeting the application was made after he had negotiated unsuccessfully to buy a membership from "a member of the Hearst organization" for $250,000. "Whereupon," Mr. Evans said, "Mr. Field sent a letter to you all stating his desires for membership and asking for your proxies. I leave his statement with you."

Thomas J. White, *Chicago Herald-American*, clarified Mr. Evans' reference to the Hearst morning membership negotiations by Mr. Field by explaining that the offer was inadequate. A total of $1,300,000 was paid for the morning membership and $100,000 for Sunday.

[fol. 255] 40-k. The Mr. Evans referred to in the quotation set forth in the preceding paragraph is Silliman Evans, publisher of The Chicago Sun.

40-l. The statements ascribed to Silliman Evans and to Thomas J. White in the quotation set forth in paragraph 40-j were made in substance by Silliman Evans and by Thomas J. White, respectively, at the meeting of The Associated Press members in April 1942.

40-m. The article by Walter E. Schneider referred to in paragraph 40-h, contains the following statement:

> During floor discussion regarding director's tenure, lengthy service by board members was criticized on the ground of "self-perpetuation" and defended on the basis that experience gained over years on the board is valuable to the AP membership.

40-n. Criticism of the lengthy service of members of the Board of Directors of The Associated Press on the ground of self-perpetuation was expressed on the floor at the meeting of The Associated Press members in April 1942.

41-a. The Associated Press, the New York Times Company, a New York corporation, and Wide World Photos, Inc., a New York corporation, entered into an agreement dated July 25, 1941, a correct copy of which agreement (except that Schedule "B" annexed thereto is omitted) is annexed hereto and made a part hereof and marked Exhibit No. 40.

41-b. The statements of fact recited in Exhibit No. 40 were true as of July 25, 1941.

[fol. 256] 41-c. The terms of the agreement set forth in Exhibit No. 40 have been performed or are being performed by the parties thereto in accordance with the terms of said agreement.

41-d. In the month of July 1941, Wide World Photos, Inc., was serving the customers listed on Exhibit No. 41 annexed hereto and made a part hereof.

41-e. Within the period of a year after July 25, 1941, Wide World Photos, Inc. (now Wide World News and Photos, Inc.), terminated its service to all of its customers listed on Exhibit No. 41, except certain AP members.

41-f. Wide World News and Photos, Inc., now renders photographic news service exclusively to members of The Associated Press.

41-g. The president of The Associated Press wrote the letter dated December 10, 1941, to Marshall Field, a correct copy of which is annexed hereto and made a part hereof and marked Exhibit No. 42.

41-h. The statements of fact contained in Exhibit No. 42 were true.

41-i. At the time of purchase of the capital stock of Wide World Photos, Inc., by The Associated Press, the supplying of photographs to other than members of The Associated Press by Wide World Photos, Inc., was discontinued except in the case of commitments which Wide World Photos, Inc., was obligated to fulfill until their expiration.

41-j. Paul Miller, a director and duly authorized agent of Wide World Photos, Inc., wrote a letter to David M. Liberson, picture editor of the Jewish Daily Forward, dated December 10, 1941, a correct copy of which is annexed [fol. 257] hereto and made a part hereof marked Exhibit No. 43.

41-k. On December 11, 1941, Paul Miller on behalf of Wide World Photos, Inc., a wholly owned subsidiary of The Associated Press, notified The Federated Press that picture service furnished by Wide World Photos, Inc., to The Federated Press would be suspended on December 31, 1941.

41-l. After the date of the notice referred to in the preceding paragraph Wide World Photos, Inc., notified The Federated Press that the picture service furnished The Federated Press would be continued until January 10, 1942.

41-m. On January 31, 1942, Wide World Photos, Inc., notified The Federated Press that the mat page service furnished The Federated Press by Wide World Photos, Inc., would be discontinued on February 6, 1942.

41-n. The picture service furnished The Federated Press by Wide World Photos, Inc., was finally terminated on February 6, 1942.

41-o. The directors of Wide World News and Photos, Inc., are Kent Cooper, L. F. Curtis, Alan J. Gould, Paul Miller, and Lloyd Stratton.

41-p. The officers of Wide World News and Photos, Inc., are as follows: President—Kent Cooper. Vice President—Lloyd Stratton. Secretary & Treasurer—L. F. Curtis.

John Henry Lewin, Charles H. Weston, Special Assistants to the Attorney General, Attorneys for Plaintiff.

[fol. 258]

EXHIBIT No. 1

Assets

Current Assets:		
Cash:		
On Deposit	$692,964 33	
Petty Cash Working Funds and Advances	69,349 52	
		$ 762,313 85
Investments—United States Government Securities—Book value		2,126,503 83
(Par value $2,125,100.00.)		
Accounts Receivable:		
Supplemental Services, etc.		42,616 64
Accrued Interest Receivable on Investments		5,259 33
Total Current Assets		2,936,693 65
Investments in and Advances to Subsidiaries (Including results of operations):		
Associated Press of Great Britain, Ltd., and Associated Press, G.m.b.H.	$40,092 07	
Press Association, Inc., La Prensa Asociada, Inc., and Wide World News & Photos, Inc.	640,939 41	
		681,031 48
Fixed Assets:		
Teletype and Wirephoto Equipment, Furniture and Fixtures—At the nominal value of		1 00
Total		$3,617,726 13

Liabilities

Current Liabilities:		
Accounts Payable and Accrued Expenses		$740,897 29
Reserve for Federal and State Social Security Taxes		104,368 18
Total Current Liabilities		845,265 47
Gold Debenture Bonds—Due January 1, 2000 Interest at 4% waived.		
Issued and Outstanding:		
Series "B"	$4,325 00	
Series "C"	238,375 00	
		242,700 00
Deferred Income:		
Assessments for 1942 collected in advance		89,110 05

[fol. 259]

Reserves:		
For Emergency Fund	$2,200,000 00	
For Insurance	16,000 00	
		$2,216,000 00
Excess of Assessments Held for Credit to Members in 1942:		
Balance, January 1, 1941	$105,913 46	
Add: Excess of Assessments for the Year	118,737 15	
Balance, December 31, 1941		224,650 61
Total		$3,617,726 13

[fol. 260] EXHIBIT No. 2

Revenue:			
Assessments			$11,424,218 41
Interest on United States Government Securities			67,293 06
			11,491,511 47
Expenses:			
Domestic News Collection		$2,480,063 12	
Foreign News Collection		1,141,884 10	
News Distribution		4,829,350 93	
Supplemental Services		2,182,131 27	
Administrative:			
Salaries	$215,948 78		
Employees' Insurance and Pension Premiums	124,221 08		
Social Security Taxes and Expense	223,084 20		
Legal Fees and Expenses	24,288 07		
Other Expenses	151,802 77		
		739,344 90	
			11,372,774 32
Net Amount Added to Excess of Assessments Held for Credit to Members			$118,737 15

[fol. 396] Schedule A

Subscriber	Amount	Comment
Boston Herald-Traveler	$50. weekly	No fixed expiration date; an "open cancellation" clause.
Buffalo Courier Express	55. weekly	Do.
Chicago Daily News	155. weekly	Do.
Chicago Daily Times	150. weekly	Do.
Detroit News	150. weekly	Expires 12/29/41; contains a 30-day cancellation clause.
Los Angeles Examiner	65. weekly	Expired 5/18/41; "open."
PM Publications Research	300. weekly	Expires 6/6/42; cancellation clause requested.
Time Inc. (incl. wire service)	200. weekly	Expires 6/3/41; contains 60-day expiration clause for automatic renewal.
Washington Star	140. weekly	Expires 4/7/42; contains a 30-day cancellation clause.
Pittsburgh Post Gazette	90. weekly	Expires 1/1/42; contains a 60-day cancellation clause.

[fol. 261] EXHIBIT No. 3

The Associated Press—What it is and does

The Associated Press is a cooperative, non-profit association of more than 1,400 newspaper members. Its task is the swift collection and distribution of accurate, reliable and impartial information—the important news of the world. Stringent precautions are taken to assure freedom of The Associated Press news report from bias, prejudice or partisanship. Its news report is not for sale

to commercial or other interests. The cost is borne by the members on a pro rata basis.

Through facilities which it has created, the news of America collected by The Associated Press appears in virtually every newspaper in the world outside of the United States. In the United States its domestic world news appears in a select and exclusive group of newspapers which are members of the association.

Ninety-three domestic bureaus, usually one in each state and two or more in some, maintain contact with thousands of correspondents and member paper employes whose work supplements that of The Associated Press personnel. The last tabulation showed about 7,500 full-time and part-time correspondents in the United States and Canada, excluding member paper employes.

The Associated Press is exclusively entitled to the local news appearing in member papers, the effect being to make each member paper reporter also a reporter for The Associated Press. Aside from these, the association has its own reporters and editors at each bureau point, check-[fol. 262] ing, verifying, and working with news very much as do reporters and editors of newspapers. Abroad there are bureaus and correspondents in all principal cities, and their contact with news sources everywhere interlaces the world.

The association uses more than 285,000 miles of leased wires, stretching across the continent from Bangor, Maine, near the Canadian border, to Seattle, Washington, and San Diego, California, and from Duluth, Minnesota, to New Orleans and Mexico City. From various points along these trunk lines the news is sent to adjacent cities. The membership spreads from Alaska to Argentina, and from the Philippines to Porto Rico. Daily use is made of thousands of miles of commercial cable and of wireless.

In addition to its great network of news wires, The Associated Press operates Wirephoto, by means of which news photos, maps, charts, and other illustrations which make the news clearer and more interesting, are sent to member papers with telegraphic speed over a circuit 16,000 miles long. A photograph of ordinary size is sent from New York to the most distant point on the circuit, for example, in eight minutes. Design and development of Wirephoto, which is an exclusive Associated Press service and owned by The Associated Press, proved to be the most

revolutionary step in American journalism since the invention of the telegraph. The news photo service also supplies the fastest known dispatch of news pictures in mat form—so rapidly delivered that members receive mats in time for use in connection with news stories on the same subject.

As a further function, The Associated Press feature service supplies subscribers with a complete feature budget, comprising news feature stories with and without illustra- [fol. 263] tions, news cartoons, comic strips, and a full budget of departmental features.

The Associated Press of Great Britain, Limited, an affiliate, with headquarters in its own building at London, distributes news and news pictures throughout the Eastern hemisphere. Its news photo service is the largest and most extensive located outside the United States and serves news pictures to most newspapers in Great Britain, Europe, and other parts of the world. Its news service, which includes news of the United States and its possessions, is received daily by hundreds of newspapers in the British Isles, Australasia, Canada, and several countries in Continental Europe.

News pictures from Central Europe also are developed and distributed through The Associated Press GmbH, with headquarters in Berlin. This also is an affiliate of The Associated Press and maintains the largest photographic staff and output of any agency in that part of the world.

La Prensa Asociada, another subsidiary, with headquarters at New York, distributes news and pictures throughout Mexico, Central and South America and the West Indies, serving practically all of the important papers in that territory. It also covers the news of this area for The Associated Press and the papers it serves. Its wires extend to Cuba and Mexico and it has extensive radio distribution of the news report, transmitting more than 10,000 words daily to the participating Latin American newspapers.

The revenues reach an annual aggegate of more than 10,000,000 dollars, while the number of words daily received and transmitted at each of the more important offices is over 250,000, or the equivalent of 250 columns of the average newspaper.

[fol. 264] Its entire foreign service is passed upon and managed by Americans abroad who are exclusively in its

employ and practically its entire volume is from original Associated Press sources, although it has available the news of the following named agencies:

BELGIUM, Agence Telegraphique Belge, Brussels.
BULGARIA, Agence Telegraphique Bulgare, Sofia.
CANADA, Canadian Press, Toronto.
DENMARK, Ritzaus Telegraphic Copenhagen.
ESTHONIA, Esthonian Telegraphic Agency, Revel.
FINLAND, Finska Notisbyran, Helsinki.
FRANCE, The Associated Press of Great Britain Ltd. (France), Paris.
Agence Havas, Paris.
Agence Telegraphique Polonaise, Paris.
GERMANY, The Associated Press G.m.b.h., Berlin.
Deutsches Nachrichtenburo, Berlin.
GREAT BRITAIN, The Associated Press of Great Britain, Ltd., London.
The Press Association, Ltd., London.
Reuters, Ltd., London.
The Exchange Telegraph Co., Ltd., London.
GREECE, Agence d'Athenes, Athens.
HOLLAND, Nederlandsch Telegraaf Agentschap, The Hague.
HUNGARY, Agence Telegraphique Hongroise, Budapest.
ITALY, Agence Stefani, Rome.
JAPAN, Domei Tsushin Sha, Tokyo.
YUGOSLAVIA, Avala Agency, Belgrade.
LATIN AMERICA, La Prensa Asociada, New York.
LATVIA, Latvian Telegraph Agency, Riga.
LITHUANIA, Agence Telegraphique Lithuanienne, Kovno.
NORWAY, Norsk Telegrambyra, Oslo.
RUMANIA, Rador, Bucharest.
[fol. 265] UNION OF SOVIET SOCIALIST REPUBLICS, Tass Agency, Moscow.
SPAIN, Agencia Fabra, Madrid.
SWEDEN, Tidningarnas Telegrambyra Aktiebolag, Stockholm.
SWITZERLAND, Agence Telegraphique Suisse, Berne.
TURKEY, Agence Anatolie, Istanbul.

The affairs of The Associated Press are in control of a Board of Directors, elected from among the representatives of the individual member newspapers. However, the Board of Directors, by resolution, has conferred upon the General Manager executive control of and responsibility for the news service and personnel.

The membership of The Associated Press includes persons of every conceivable political, economic and religious advocacy. The one thing upon which they are united, so far as The Associated Press news service is concerned, is that it shall be wholly free from partisan activity or the expression of any opinion whatever. It is the principle of the organization that, in a self-governing country the citizens, if given the facts, must be able to form their own opinions respecting them. The sole purpose of The Associated Press is to compile a daily record of world affairs which is reliable and non-partisan, and on which sound judgments can be based.

[fol. 266] EXHIBIT No. 4

The Associated Press

General Office
50 Rockefeller Plaza
New York, N. Y.

To the Members of The Associated Press:

Since the organization of The Associated Press it has been the policy to prorate the expenses on the basis of the population of the cities served by Associated Press newspapers. Also it has been the policy decennially to reapportion the expenses on the basis of literate population as shown by the decennial federal census. In this way an equitable apportionment is obtained.

The Board has reviewed the operation of the assessment plan during the past twenty years and concluded that the formula, with minor adjustments because of changed conditions, continues to operate equitably. The plan is explained in the enclosed memorandum.

In particular the Board has studied the financial operation since the last decennial revision. At that time we were in the midst of the depression. To meet the needs

of members the Management over a period of several years instituted economies which were reflected in the general revision of assessments by reductions in an amount of $1,200,000 per year and the return to members for several years of excess over requirements amounting to several additional hundreds of thousands of dollars a year. These savings related solely to the general news service and not to the special services subscribed for by members, which [fol. 267] frequently permitted them to enjoy economies in their individual operation.

The announcement at that time called members' attention to the fact that many of the economies were of such a nature that they could not be continued indefinitely without disadvantage to the service.

The Board of Directors has now come to the conclusion that restoration of part of the 1932 reductions can no longer be postponed if the interests of the service and of the members is to be served. It has therefore instructed the Management to include in the decennial revision, approximately one-half of the amount of the 1932 reduction of assessments, this sum to be included in the general apportionment under the new tables.

The extraordinary success of the Management in producing an unequaled domestic and world-wide service under conditions of utmost difficulty is attested by the innumerable expressions at state meetings and in communications to the Board and to the management. That the service must not be impaired through lack of additional funds which are absolutely necessary to maintain it at its present level of efficiency is, I am sure, the desire of every member.

By order of the board:

Robert McLean, President.

Private Circular.

The Associated Press

General Office
50 Rockefeller Plaza
New York, N. Y.

July 7, 1941.

To the Members:

The assessment plan first applied to the revision of assessments based on the census of 1920 and also applied

[fol. 268] following the census of 1930 has been retained for the revision based on the census of 1940. By the application of this formula the expenses of the corporation are equitably assessed among the members on the basis of the literate population in their respective fields.

The fundamental unit of distributing the costs is population as shown by the federal census of 1940. The population assigned to each city is that of the city itself and the territory within a radius of ten miles. This area is deemed the home field.

The elements which make up the assessment of each member receiving a leased wire service are:

(a) Wire charge.
(b) Local charge.
(c) General charge.
(d) Supplementary wire charge.
(e) State news collection charge.
(f) Feature and other special service charges.

The method of arriving at each of the six elemental charges is here outlined.

(a) Wire Charge

Each city served must have at least one wire to bring to it the news of the world. As it is not possible to operate a single wire connecting all The Associated Press cities in the United States it is necessary to arrange circuits that may efficiently serve the various sections of the country. Taking a state or group of states as the unit it is possible to operate a state or regional circuit connecting the various cities located therein, but to give a comprehensive news service it is necessary also to have trunk circuits to link together the several state and regional circuits. As the state and regional units could not receive a comprehensive [fol. 269] news service without the existence of these trunk lines, this plan assesses as a wire charge to each state a proportion of the cost of the trunk wire that serves it and the entire cost of the state or regional wire where one exists. This expense then is distributed according to popluation so that each city within a given state pays the same wire rate per 1,000 of population. The wire charge applied to evening and morning members is on the basis of circuit rental paid to telegraph companies plus the salaries of filing editors and sending operators.

(b) Local Charge

The local charge is for the upkeep of the automatic printers required to deliver the news service to each city, and the personnel necessary for maintenance.

(c) General Charge

Expenses of the organization not specifically covered otherwise, such as that of the entire foreign service, the general domestic service, and the administration are provided for in the general charge. The general charge in each state is allotted to and assessed against each state according to literate population. Then the state allotment is apportioned among the members in the state on the percentage of total population in each member's field.

Within the cities the apportionment is 6/13th or 46 percent to the evening field and 7/13th or 54 percent to the morning field. This is due to the fact that afternoon papers are served six days a week whereas service is available to morning papers seven nights a week, the sum of six days and seven nights being 13. As in the wire charge, each city in a state pays the same general rate per 1,000 of population.

[fol. 270] (d) Supplementary Wires

Members in the larger cities receive one or more additional news wires, financial wires, and the news-photo wire. The cost of these facilities is divided among the cities served on the basis of population of each.

(e) State News Collection Charge

The state service charge is the actual amount appropriated to be spent in each state for special machinery incident to the collection of state news, including special state editors, tolls, payments to string correspondents, etc. This expense is pro-rated equitably in each state.

(f) Feature and Other Special Service Charge

Special services, optional in character, are charged for on a schedule based on the populations of cities taking such services.

By order of the Board of Directors:

L. F. Curtis, Treasurer.

[fol. 271] EXHIBIT No. 5

Years of Service of Directors Since 1900

Don. C. Seitz	1900-
Charles P. Taft	1900-1901
Stephen O'Meara	1900-1902
Whitelaw Reis	1900-1904
George Thompson	1900-1907
Charles H. Grasty	1900-1908
M. H. de Young	1900-1909
Harvey W. Scott	1900-1910
Albert J. Barr	1900-1911
Thomas G. Rapier	1900-1913
Charles W. Knapp	1900-1915
Herman Ridder	1900-1915
W. L. McLean	1900-1923
Victor F. Lawson	1900-1925
Frank B. Noyes	1900-
Clark Howell	1901-1937*
William D. Brickell	1902
Albert P. Langtry	1903-1905
W. R. Nelson	1904-1913
Adolph S. Ochs	1905-1934
Charles H. Taylor	1906-1911
A. C. Weiss	1910-1920
V. S. McClatchy	1910-1923
Charles Hopkins Clark	1910-1926
W. H. Cowles	1911-
Frederick Roy Martin	1912
Samuel Bowles	1912-1914
Charles A. Rook	1912-1922
W. Y. Morgan	1914-1916
R. M. Johnston	1914-1920
D. E. Town	1915-1921
Oswald Garrison Villard	1916-1918
Elbert H. Baker	1916-1933
John R. Rathom	1917-1922
Frank P. MacLennan	1919-1932

*At the Annual Meeting of the members held on April 19, 1937, Clark Howell, Jr., was elected to fill the vacancy in the Board of Directors created by the death of Clark Howell, Sr.

Years of Service of Directors Since 1900—Continued

D. D. Moore	1921-1922
H. V. Jones	1921-1928
E. Lansing Ray	1922-
Frederick I. Thompson	1923-1926
	1928-1932
B. H. Anthony	1923-1931
Stuart H. Perry	1923-
[fol. 272] J. R. Knowland	1924-
Robert McLean	1924-
Walter A. Strong	1926
Irwin R. Kirkwood	1927
Richard Hooker	1927-1933
Robert R. McCormick	1927-
Frederick E. Murphy	1920-1940
Paul Patterson	1932-
George B. Longan	1933-
L. K. Nicholson	1933-
Victor F. Ridder	1934
Paul Bellamy	1934-
John Cowles	1934-
Frank E. Gannett	1935-1940
W. J. Pape	1937-1939
Josh L. Horne	1937-
Houston Harte	1937-
Clark Howell, Jr.	1937
Harry J. Grant	1940
Jerome D. Barnum	1940
E. H. Butler	1940-
E. K. Gaylord	1940-
George F. Booth	1941

[fol. 273] EXHIBIT No. 6

History

The old Associated Press (Illinois Corporation) was a stock company and while no profits or dividends were allowed, the control of the organization was in the hands of the stockholders, the majority of the papers receiving the service having no voice in the management.

Broadly, in the old organization, the stock was issued to the more important papers of the organization though

some smaller papers in key positions were allowed stock, the maximum holding being limited to eight shares.

When the New York corporation was formed, the incorporators felt in honor bound to carry foward, so far as was legally feasible, the existing status and moreover the larger papers paying the great bulk of the assessments felt entitled to representation in proportion to their contribution to the operating revenues of the Association.

To facilitate this transfer and redeem the stock of the Illinois Corporation and to obtain money for operating purposes, a bond issue of $150,000 was authorized and the stockholders of the Illinois Corporation were permitted to subscribe to these bonds in the same proportion in which they held stock. Approximately $130,000 worth of bonds were sold having a voting privilege (as allowed by the New York law) in the election of directors only, the directors being vested in general with the management of the affairs of the corporation, including the news service and the assessments.

[fol. 274] Of the $130,000 issued, $29,425 have been redeemed because of consolidations, etc., so that there are now outstanding $100,575.

Legal Situation

Your Committee is advised that neither the Board nor the Association has legal authority to enforce a redemption of the bonds, save as is provided in the Deed of Trust and in the By-Laws. • • •

Conclusion

Your Committee cannot recommend that the Board of Directors change its attitude of regarding it as improper for that body to resell the redeemed bonds or to sell the unissued bonds unless the mandate shall come from the membership.

The Committee is unanimous as to this.

The Committee also feels that it would be advisable, if possible, to broaden the list of bondholders by issuing bonds to members not now holding bonds in proportion to the regular assessments that they pay. This would be in recognition of the fact that the general newspaper situation has changed greatly since the original issue of bonds and that many members do not have a voice in the election

of directors proportionate to their contributions to the organization.

* * * * * * *

Your Committee recommends that the Board take such means as it sees fit to bring this question before the membership and obtain such mandate for a redistribution along lines that may be more representative of the proportionate assessments of members.

[fol. 275] EXHIBIT No. 7

To effectuate these two purposes, this committee unanimously recommends that any missused bonds now remaining in the treasury shall not be issued save in substitution for bonds now issued.

Secondly, that a new bond issue be created of a sufficient principal sum hereafter to be fixed by the directors of The Associated Press to carry out the recommendations hereinafter made.

Thirdly, that every member of The Associated Press be given the right—but shall not be required—to subscribe for bonds of The Associated Press in an amount proportionate to the weekly assessment paid by said members, the present bond holdings being taken into account. It is the recommendation of the Committee that said bonds, when issued in denominations of twenty-five dollars ($25.00), or multiples thereof, shall carry with them the same rights as are now enjoyed by the holders of existing bonds, provided that every member regardless of the amount of his assessment shall have the right to subscribe for sufficient bonds to give him a minimum of four (4) votes; provided further that for each twenty-five dollar additional assessment over and above fifty dollars per week a member shall have a right to subscribe for an additional sum of fifty dollars in bonds, carrying therewith the same rights as are now enjoyed by the holders of existing bonds, and provided further that no member shall have the right, regardless of the amount of assessment paid, to subscribe for more than one thousand dollars ($1,000.00) in bonds or to cast more than forty votes by virtue of such bond holding in the election of directors.

[fol. 276] EXHIBIT No. 8

The Associated Press today made the following announcement:

Press Association, Inc., all of the stock of which is owned by the Associated Press, has been launched by the latter organization to carry on certain activities, including salvage operations, which *experience has shown* can better be handled by a subsidiary company than directly by the news association itself. It will be familiarly known as P. A.

The new organization is the fourth subsidiary established and owned by The Associated Press. The first was The Associated Press of Great Britain, Ltd., which began operations, with head offices in London, in 1931. It is an administrative organization which delivers news and news pictures to England and is not to be confused with AP Bureaus abroad which gather news for use by Associated Press members in this country. The Associated Press of Germany (GmbH), was organized the same year, operating on the continent, with headquarters in Berlin. It operates a news photo service. In 1939 La Prensa Asociada (the Spanish equivalent for the name of The Associated Press) was incorporated to administer The Associated Press service in Latin America. The success that has attended the operations of these subsidiary companies has entirely proved the wisdom of the procedure.

P. A., among other things will arrange for and supervise the news availability of The Associated Press news to radio. Offices of the new company will be located on a separate floor in the building at 50 Rockefeller Plaza which has come to be known popularly as "the news center of [fol. 277] the world" since The Associated Press moved its New York headquarters to that address in December 1938 and gave its name to the building. The new company will begin operations as soon as the offices on the sixth floor of the building are ready for occupancy.

The executive head of P. A. will be William J. McCambridge, formerly Assistant General Manager and Assistant Secretary of The Associated Press. Mr. McCambridge's title will be that of General Manager.

There are eight directors. Seven of them constitute the present executive committee of the Board of Directors of The Associated Press. Kent Cooper, General Manager of The Associated Press, is also a director.

Additional activities of Press Association, Inc., will be decided upon by the Board of Directors as matters progress. Broadly, the obligation of the new company will be to relieve the parent company of the administration of details not intimately part of the regular news and news photo collection and distribution for publication by Associated Press member papers.

In a statement respecting the creation of the subsidiary, Mr. Cooper said: "The complexities of news and news photo collection and dissemination in the year 1941 make it advisable for The Associated Press to relieve itself of many activities which, while related to news and news photo collection and dissemination, are more or less extraneous to the work of furnishing news to newspapers. This does not mean that The Associated Press is delegating the actual gathering and distribution of news and news photos—its prime mission—to any other agency. On the other hand, segregation of these extraneous matters to another company will facilitate more that ever this prime function of The A. P."

[fol. 2731] EXHIBIT 9

It Started in a Rowboat and Led to the World's Largest News Service—AP

Boston Town one stormy night in 1811—

But one young man was about. He hurried down cobbled, rain-swept streets and across a slippery wharf. He untied a rowboat and pulled out into the night. He was one Samuel Topliff. His goal was an unknown craft attempting to make port at the height of the squall. The reason for his desperate adventure was NEWS—real, first-hand, authentic news, something unheard of anywhere in the world at that time.

Topliff got his news that stormy November night. It was a story of the impounding of Yankee seamen and mobilization of England's fleet off Halifax in preparation for the War of 1812. He brought it back to Boston's famed Exchange Coffee House and posted it for all to see in the Reading Room news books.

Habitues of the Reading Room, anxious for news in a world in which there was but little news, toasted him on

his return. But it is probable that no one realized the significance of his feat.

Topliff, in his rowboat, had started systematic news gathering.

By 1828 New York had outdistanced Boston in news as well as commerce. Sailboats had replaced rowboats in the collection of news. But the harbor was a perilous place. Rival news gatherers, hired by growing newspapers in the plague-ridden young metropolis, battled one another to be first with the highly important intelligence from abroad. The toughest boatmen brought in the news. The others collected only bashed heads and body bruises.

Such was the rough-and-tumble infancy of news gathering. And rough and unscrupulous it remained for many years.

Then came 1848. The first crude Morse Telegraph began to click in a dozen cities. News became more sought [fol. 279] after; and the first real news gathering organization was formed to divide the cost of collecting public information by the new fangled wire contraption.

The organizers were six New York newspapers. Their concept was limited and largely selfish. There was no immediate thought of benefiting any but their six papers. And there was no disposition to look upon the collection of news as a great public service.

The organization was by no means all that it might have been. But it was a beginning.

They called it The Associated Press.

The start of The AP brought the first real reporters—men trained to gather the news of the world as speedily as humanly possible. Among the first was Gobright. He covered the Civil War. One of his dispatches, more than any other, electrified and shocked the nation: "President Lincoln Was Shot in a Theater Tonight and Perhaps Mortally Wounded." Another was Kellogg. On a small, grey mule he trotted to death beside Custer in the battle of Little Big Horn.

And while men such as these were reporting the news, others sought to wrest the control of news gathering itself from a private News Trust and conduct it as a great public service.

Finally, after many years of internal strife, came the "revolution of 1893." It was an uprising against the

proprietary evils which threatened the news gathering system of the world.

Out of that struggle, emerged the modern Associated Press in 1893. At the time, it was the first and only world-wide, non-profit, cooperative news gathering association. *Today, it still is the first and only news organization of its kind;* dedicated to the sole task of collecting and distributing factual, unbiased news.

[fol. 280] Now the News of the Associated Press Speediest and Largest of All the News Services is Available to Radio Through Press Association, Inc.

The only organization of *its* kind, Press Association, Inc., was created by The AP to meet the exacting demands of modern Radio.

Especially designed and geared to adapt the vast news report of The AP for radio's listening millions, it offers a complete and unequalled news service for stations everywhere.

Operating the Only 24 Hour-a-day Radio News Wire in Existence

The studied decision of Press Association, Inc., was to man its special radio wire "around the clock"—no "dead" hours—no dull hours—a news service especially designed for the ear—speedy—authoritative—unbiased—easy to listen to.

This meant assembling the best staff of radio writers available anywhere—the employment of top men from radio stations over the country—augmented by AP men with radio news experience—no juniors—no beginners—all experienced and imaginative writers, capable of producing a radio report in keeping with the surpassing quality of AP news itself.

Here Are the Facts Behind AP Superiority

A news report of 1,000,000 words every 24 hours—larger than the combined daily reports of *all other American news agencies combined.*

A staff of 7,200, augmented by the staffs of member newspapers and affiliated news services in foreign countries—a total of approximately 100,000 men and women contributing, directly or indirectly, to each day's effort—a staff

many times larger than the staffs of *all other American news agencies combined.*

[fol. 281] 290,000 miles of leased news wires in this country alone—a network larger than the networks of *all other American news* agencies combined.

Operating the only state-by-state news circuits in existence—circuits that carry more state and regional news daily than *all other American news agencies combined.*

100 news bureaus in this country alone—offices in more than 250 cities over the world—more regularly established news connections by cities than *all other American news agencies combined.*

An annual budget of approximately $12,000,000—every penny spent for the actual gathering and distribution of world news—a news budget larger than the news *budgets of all other American news agencies combined.*

Leased news wires connecting 727 domestic cities—a larger representation of cities than *all other American news agencies combined.*

When considering these facts, in relation to Radio News, it is easy to understand why—

AP is First With Headline News

With The Associated Press it is news only when AP is Not ahead.

An impartial survey of coverage for the past year showed that AP was ahead on 82 per cent of *all* important news events.

This fact is presented not as a boast but as evidence of AP's superior performance in all categories of the news—performance based on 93 years of experience and effort—performance which has built up a tradition of reliability and integrity.

To the sponsor who builds his radio program around news this is vital—vital because it offers assurance that in using AP he is using the best there is for result-getting broadcasts.

[fol. 282] *5-Minute Roundups*

Press Association, Inc., after analyzing existing methods of handling radio news, decided to go beyond anything being done by existing radio wire services.

It inaugurated 5-minute roundups of headline news—

After transmitting the news *as it breaks*, AP takes the same news and summarizes it in comprehensive five-minute programs—six or more transmitted at regular intervals, day and night—ready for the air without any station editorial effort whatever.

War News

Never before have news services been faced with such heavy responsibility. War news is exciting news—momentous news—colorful news—but it must be accurate as well—accurate and fast.

AP, controlling the only leased news cable in the world, occupies a top position in handling the reports of its 2500 correspondents abroad.

At sea and on all the war fronts of Europe these correspondents are in action—men such as Larry Allen, who dodged bombs for seven hours aboard the battleship Illustrious—Norman Lodge, bombed out of three rooms in three weeks—E. J. Kennedy, the only American correspondent with the British in North Africa. Month after month, while faced with censorship, privation and physical dangers, these men accurately report the War News—providing the fast-moving, exciting material for—

AP "Spot" War News

These reports provide minute-by-minute accounts of all war developments. Hot off the special leased cable, quickly prepared for the air by an alert radio staff, they offer stations an opportunity to keep listeners abreast of every change in the war picture.

[fol. 283] *AP "Undated" War Round-Ups*

These integrated summaries, sent out on the Radio wire ready for verbatim broadcasting, pull all spot developments into quick focus. There are several of them daily, spaced to keep listeners fully informed.

Washington News

The eyes of the world are on Washington. Daily newscasts must answer the thousand and one questions that come up in the minds of millions of people. To answer these questions and maintain its high standard of public service, Radio deserves the most comprehensive coverage available.

AP has that coverage. Its Washington staff of approximately 150 is the largest corps of news men ever assembled under one roof for the exclusive job of reporting governmental affairs. This group includes a special Regional staff representing each state and reporting by wire all news of regional interest with thoroughness and speed—the only staff of its kind anywhere. Together they gather the news for—

AP Washington Roundups

These summaries, transmitted day and night, provide the means of giving a quick picture of Washington happenings that is timely and complete. They come off the wire ready for airing without any editorial effort by stations.

AP Washington "Spot" News

Written for radio, Washington "spot" news reaches stations as it happens, packing all the punch of a blow-by-blow description of a championship match.

Sports News

Away back in 1869, when the Cincinnati Reds ran up a score of 103 to 8 against the famous old Buckeyes, an AP man was there—an AP man, in fact, a special AP train, [fol. 284] brought out coverage on the celebrated bared-knuckle bout between John L. Sullivan and Jake Kilrain in the woods near Richburg, Miss., on July 8, 1889—the AP not only covered the Olympic games at Stockholm in 1920, but one member of its staff doubled in brass by winning the world's figure-skating championship.

Such thorough sports coverage has been reflected in AP reports from all over the world since 1848.

Today, in addition to a general sports staff on roving assignments, AP maintains at least one sports expert in each of its 100 domestic bureaus. Irrespective of the nature of a sports event, an AP specialist is on the scene. The job these men do keeps AP radio news out in front with—

Spotlight on Sports

A daily fixture, highly sponsorable-provides quick results on major sporting events—Comes off the wire grouped for easy broadcasting. A 5-minute feature.

Dinnertime Sports Gossip

Lots of information and a full quota of conversation for the sporting enthusiast—Background stories on clubs and players—Latest gossip from training camp, dugout and gridiron. For a 15 minute program.

Women's News

Women's place is in the news—definitely.

Politics, machine shops, hospitals, defense clubs or engineering jobs, nothing stops them. From Queen Elizabeth in England to the girls in national defense, more and more they are making radio news.

Every day AP correspondents—both men and women—are on the alert all over the world for this type of news. Daily, AP wires carry enough women's news to fill the average women's magazine—news that is delivered to lis- [fol. 285] teners while it is still fresh and vibrant with interest, not a month later—not a week later—but Today.

Women Today

Authoritative news of women and what they are doing—Daily reports on women in the news, especially prepared for the feminine ear. Easily adaptable for a daily 5-minute program.

Fashion News

They say that lemon juice whitens milady's elbows—that fashion designers are sparking ideas inspired by museum pieces—and that bomb shelters are the inspiration for a new hair-do.

You probably don't care—but how the women love it!

They look first to Hollywood and then to New York for the latest in clothes, coiffures and cosmetics.

The AP maintains a bevy of fashion editors to report this news. Their stories of the fashion world present the the very latest modes of today, emphasizing the tricks and trends that make for economy while retaining fashion-smartness.

Listen Ladies!

An exciting and different feature for women listeners presenting gossip on fashions, diets and economy shopping —helpful hints on interior decorating and a hundred and

one other subjects that hold a woman's interest. Designed for women—no matter where. A daily 5-minute feature.

Stage and Screen News

All about the diamonds, diets and dates of the stars—all about the brass bands, brass hats, the wacks and wags—all the chatter about the lights, ladies and laughs in the hot spots and bright spots from coast to coast.

[fol. 286] Hollywood and Broadway specialists, assisted by a large and theater-wise AP staff in both places, know all the answers and answer all the queries.

Their job is exciting, different, colorful. They inject these qualities into a daily report that sparkles with entertainment and interest—

Hollywood and Broadway

A day-by-day story of the two entertainment capitols, especially prepared for listeners. It is background on backstage, containing everything about everyone who is anybody—or nobody. A daily 5-minute feature.

Financial News

War and defense have increased radio's interest in financial and business news. This makes the accuracy and speed of AP financial news an important consideration.

Here are facts about the biggest financial news department in the world:

It has 200 writers, editors and statisticians in New York, Washington, Chicago, San Francisco and foreign capitols—no juniors, no inexperienced trainees; all stories are by writers who are recognized authorities.

All market quotations are transmitted within two minutes after the markets close.

More than 40,000 miles of leased wires are used exclusively for reporting on more than 8,000 issues of stocks and bonds; together with a daily price index on basic commodities, both domestic and foreign.

Money to the Millions

Daily digests of business and financial news, prepared especially for listening—includes defense news and other

subjects related to industry at a time when interest is at its peak. Easily adaptable to a daily 5-minute program.

[fol. 287] Science News

The AP was the first press association to specialize in science news. Years ago its general manager consulted with the president of Stevens Institute of Technology.

"People even sleep better because of the scientific study of bed-springs," he said. "Don't you agree there is a field for science news in a language the average person can understand?"

"Yes," replied the scientist, "but you may need a scientist as your reporter."

"No," the general manager decided, "we'll make a scientist of a reporter. He'll be smart enough to learn science, and he'll also know how to write!"

From this beginning The Associated Press developed its present-day corps of science specialists. Now The AP report carries the daily stories of these men, all expert in their field—one captured a Pulitzer prize—still others have received honorary degrees and recognition from the men about whom they write.

"Spot" Science News

The radio wire daily carries the material produced by the science staff, especially written for the layman. There is sufficient to permit selection, based upon varied broadcasting requirements—Easily adaptable for a daily 5-minute program.

Farm News

More than 40% of all retail sales are made in the Rural market. Almost 15,000,000 families are active buyers.

This makes the Farm market one of the largest in the world, warranting the comprehensive coverage given it by AP.

One segment of the staff specializes in Farm News. These writers work under the general supervision of a Farm Editor with headquarters in Chicago. They write about crops and crop control—about the dust bowl and migratory workers.

[fol. 288] Still others, in Washington, are particularly concerned with farm legislation and allied farm subjects as

they develop at the nation's capitol. The volume of news they gather, treated for radio and put on the wire, presents the day to day word picture of agricultural America.

Farm Fair

A striking presentation of farm news. Written for the man with a garden—or a thousand acres. Interesting, informative and dramatic. A daily 5-minute feature.

Human Interest News

Gabriel, living in a Western town, is very sad since his arrest for blowing a horn—a second-hand car dealer blinked in amazement when he found that a stranger had paid for a car with confederate money, and counterfeit at that—Christopher Columbus of Albany is spellbound by his draft number—1492.

Items such as these, laughs from real life, wacky, whimsical happenings, pop up in the daily AP news report to provide welcome relief for a world harassed by the disquieting flow of war news.

Flashes of Life

A daily series of amusing items selected from the news wires and brilliantly treated for the air. Highly sponsorable—

Election News

Only The Associated Press covers elections on a nation-wide scale.

Whether heard on the radio, seen in newspapers or anywhere else, the *only* source of all national election returns is the AP election service.

Six months of intensive preparation is necessary to cover major elections. Over 65,000 workers are required. Every district, every precinct, is covered by an AP representative. The returns are sped throughout the country by special [fol. 289] election wires—over the massive 290,000 mile AP news network—and over the special AP radio wire.

In this tremendous operation, The AP reports the results on every contest for office in the country—all the way from dogcatcher in some remote town to governor of the state or president of the nation.

The Federal Government, winners and losers alike, all accept the AP figures as authentic. A few hours after the polls close, weeks before the official count is completed, the people hail a new president on the basis of AP returns—returns shown by a recent survey to be 99.7 per cent accurate.

That is the story of AP election coverage—coverage available first hand, to radio, only off the AP radio wires.

Add These AP Radio "Plus" Features

Background of the News

A fast-moving feature designed to take listeners behind the lines of the world's newsfronts—explaining big interesting facts and sidelighting the news of each day. In two 5-minute daily installments—adaptable to one 15-minute program.

The World this Week

An interesting, fast-moving summary of the week's news. Developments in Europe, Washington, and in the Far East. Prepared to bring listeners up to date with the news and set the stage for the coming week. Transmitted each Sunday. For a 15-minute program.

The Headline of the Hour

A brand new feature—a quick resume of the most compelling story of each hour—Designed as an "every hour on the hour" feature, sponsored or unsponsored. Runs twenty seconds to half a minute.

[fols. 290-291] *Advance Calendar*

Calendar of the week's coming events. Helpful to stations in planning and preparing for special programs.

Number Schedules

A quick "key" for use by stations in preparing their own broadcasts from The AP wire. A system of numbers suggesting which stories should be used, and in what order. Simplifies the station's job of handling the news.

And You'll Agree—

One First with the News is Interesting but 12 Firsts Are 12 Good Reasons For:

—a faster newscast
—a more complete newscast
—a more accurate newscast and
—Increased profits—

These are the things that Press Association's superior AP radio news can do for you.

Today listener interest in news is higher than ever before.

Insure the character of your broadcasts by presenting news that people can and do trust. The integrity of the spoken word is all-important on Radio.

You may already be using news on the air—you may plan to use news on the air—but in either case be sure it is AP news.

Now You Can Have the Best
Why Be Satisfied with Less?

[fol. 292] EXHIBIT No. 10

Bylaws of the Associated Press (of Illinois) Relating to Stockholders

I. Rights and Privileges of Stockholders

1. *Powers of Stock.*—The capital stock of this company shall possess all the ordinary powers attaching to stock issued by stock companies incorporated under the laws of the State of Illinois, but shall not in itself entitle the holders thereof to receive a news report from the company. The right to receive a news report shall be acquired for a newspaper only by its proprietor becoming a member of the Associated Press, as hereinafter provided in these bylaws.

2. *Treasurer to Hold All Stock.*—The original subscriptions to the capital stock of the company having been accepted upon the distinct agreement that the whole issue to each subscriber shall at all times be held by the proprietor of a newspaper which is on the Membership Roll of the Associated Press, each stockholder shall transfer to the treasurer of the association, for its benefit, any shares of its capital stock in excess of the allotment of stock made to him in the original issue which may subsequently come

into his ownership, by assignment or otherwise, upon the association paying the par value thereof. These covenants and agreements of the original subscribers shall bind their heirs and assigns to the end that the stock shall be at no time assignable by its owner to any person not the proprietor of a newspaper which is or shall be placed, by the consent of the Board of Directors, on the Membership Roll of the Associated Press.

[fol. 293] 3. *Forfeiture of Stock.*—The association shall have the right to acquire for its own use any stock pledged with it as collateral to any contract, upon the termination or breach of such contract, by paying to the owner thereof the par value thereof, or giving to such owner credit for such par value, in case he is indebted to the association; and if the membership of any stockholder in the association shall be forfeited under the provisions of the bylaws of the association such forfeiture shall of itself, without any payment terminate all interest of such stockholder in the stock pledged by him with the association to secure the performance by him of his contract with the association, and such stock so forfeited shall belong absolutely to the association for its own use; *Provided,* however that nothing herein contained shall interfere with the right of the holder of stock to transfer the safe with his newspaper, as may be provided in his contract.

4. *Transfers.*—Stock shall only be transferable on the books of the company in accordance with the regulations provided by the bylaws.

II. Stock Certificates

1. *Form of Certificate.*—Certificates shall be issued by the company as an evidence of the ownership of stock. Each certificate shall set forth the number of shares which it represents and shall bear on its face a covenant that it shall be owned at all times by the proprietor of a newspaper which is on the membership roll of the association. All certificates shall be signed by the president and secretary and bear the seal of the company.

2. *Certificate Book.*—Certificates of stock shall be numbered and registered as they are issued, and proper entries [fol. 294] of their issue and transfer shall be made in a certificate book, which shall be in the charge of the secretary

of the association. The certificates and stubs shall exhibit the holder's name and place of residence, the date of issue, number of shares, from whom transferred and to whom transferred.

3. *Transfer Books.*—All transfers shall be made in a book to be kept for that purpose at the office of the company and in charge of its secretary. They shall be made by the owner of stock in person, or by a duly authorized attorney, upon the surrender of the old certificate.

4. *Lien on Stock.*—The association shall have a lien upon its stock held by each stockholder for the payment of all indebtedness due from him to the association, and for the performance by him of all contracts between him and the association; and no stock shall be transferable during the existence of any such lien.

5. *Stock Ledger.*—A stock ledger shall be kept in the charge of the secretary, in which an account shall be kept with every person to whom shares of stock shall be issued. Each stockholder's account shall show the number of shares issued to, or transferred by, such stockholder and the number of the certificates.

III. Meetings of Stockholders

1. *Annual Meetings.*—The annual meeting of the stockholders of The Associated Press shall be held in the City of Chicago at 11 o'clock A. M., on the third Wednesday in the month of May in each year after 1895 to elect directors and transact such other business as may be presented.

2. *Special Meetings.*—Special meetings shall be called by the president and secretary upon the order of the Board [fol. 295] of Directors, or whenever a request in writing therefor shall be received by the secretary bearing the signatures of fifteen holders of the stock of the company, as of record in its stock ledger. No business shall be transacted at a special meeting except such as may be embraced in the call therefor, and such as may be transacted by the affirmative vote of a majority of all the outstanding stock of the association at a meeting at which there shall be represented two-thirds of all the outstanding stock of the association.

3. *Notice of Meetings.*—The secretary shall give notice of all meetings of the stockholders by mailing to each

stockholder a written or printed notice, stating the time and place of meeting, and the business to be considered, if a special meeting. Such notices shall be mailed thirty days before regular meetings and ten days before special meetings, and in the case of members too distant to be reached by mail within forty-eight hours, such notices shall be telegraphed.

4. *Proxies.*—Stockholders may be represented at meetings by properly authorized proxies, who shall file a lawful power of attorney with the secretary, showing what stockholders and the number of shares they are empowered to represent. No salaried officer or employee of the association shall hold a proxy or vote the same.

5. *Books to be Closed.*—The stock shall be closed for thirty days preceding the annual meeting and for ten days preceding the day fixed for any special meeting. They shall also be closed for ten days preceding the payment of any dividends.

6. *List of Stockholders.*—Before any vote shall be taken it shall be the duty of the secretary to make a true list of all the stockholders present, designating those represented [fol. 296] in person and those represented by proxy, and when a division is called upon any question submitted to a *viva-voce* vote, he shall call the roll and enter the votes at large on the journal of the association.

7. *Quorum.*—A majority of all the stock of the corporation owned by members of the association must be represented to constitute a quorum for the transaction of business at a stockholders' meeting.

IV. Board of Directors

1. *Number of Directors.*—The affairs of the association shall be managed by eleven directors.

2. *Who May be Directors.*—Each director shall be a stockholder of this association, or a partner in copartnership which shall be such stockholder, or a stockholder or an officer of a corporation which shall be such stockholder, and any director who shall cease to be qualified as aforesaid shall thereby cease to be a director.

3. *Three Classes.*—The nine directors first selected shall be divided by lot into three classes of three each. The

first class shall hold office until the first annual meeting of the stockholders after their election; the second class shall hold office until the second annual meeting of the stockholders after their election, and the third class shall hold office until the third annual meeting of the stockholders after their election.

Resolved, That one additional director be added to the second class, and one to the third class.

4. *Election of Directors.*—At each annual meeting the stockholders shall elect directors to succeed those whose terms expire at such meeting and also to fill any vacancies in the board which may have occurred since their last annual meeting. Directors elected to fill the places of those whose terms have expired shall be elected for a term of [fol. 297] three years, and directors shall in all cases continue in office until their successors are elected.

5. *Powers of Board.*—The Board of Directors shall have the power to make contracts; to elect and remove officers, and to employ and discharge agents; to fix the compensation of officers and agents; to make assessments upon members, and modify assessments from time to time; to make and refund rebates on the same; to expend the money of the association for its lawful purposes, and to do all acts, not inconsistent with the act of incorporation and the by-laws, which they may deem for the best interests of the association. The votes of at least six directors shall be required to elect or remove an officer.

6. *Executive Committee.*—They may appoint an Executive Committee of not less than three of their own members, who shall have the same power as the board, except as to the trial of members as provided in Article XIV. The Executive Committee shall report all action taken by it to the next meeting of the board for its approval.

7. *Auditing Committee.*—They may appoint an auditing committee of not less than two persons, not members of the board, to examine the accounts of the treasurer.

8. *Other Committees.*—They may, by resolution, appoint other committees for special purposes, designating their duties and powers in the resolution of appointment.

9. *Reports.*—They shall make a printed report of all their doings and of the business of the association for each

calendar year, which shall be mailed to each stockholder at least five days prior to each annual meeting.

[fol. 298] 10. *Seal.*—They shall have power to adopt a corporate seal and alter the same at their pleasure.

11. *Meetings.*—The board shall hold a regular meeting the day preceding the annual meeting of the stockholders, and also another regular meeting to elect officers, and for other purposes, immediately after the annual meeting of the stockholders. It shall fix by resolution the date of the other regular meetings of the board, of which there shall not be less than one in every year in addition to the two regular meetings herein provided for. Special meetings may be called by the president or any two directors. Notice of all special meetings shall be given by telegraphing and by mailing a notice thereof to each director at least two days before the date of meeting, which notice shall be sent either by the secretary, the president, or the directors calling the meeting. A majority of the board shall constitute a quorum, but in case there be no quorum present a minority may adjourn from time to time until a quorum be obtained. The meetings of the Board of Directors shall be held in the city of Chicago or the city of New York, as may be specified in the resolutions of the board fixing the date of regular meetings and the notices calling special meetings.

12. *Vacancies.*—All vacancies in the board shall be temporarily filled by the directors until the next annual meeting of the stockholders.

V. Officers

1. *Election.*—The officers of the company shall be a president, a first vice-president, a second vice-president, a secretary, an assistant secretary, and a treasurer, who shall be elected by ballot by the board, at its first meeting after the annual meeting of stockholders.

2. *Term of Office.*—All officers shall hold their respective offices until the next annual meeting of the stockholders [fol. 299] after their election, and until their successors are elected and qualified, unless removed by the Board of Directors.

3. *Duties of President.*—The president shall preside over all meetings of the stockholders and Board of Directors, at

which he may be present, and shall exercise general supervision and control over the business of the company, subject to the direction of the Board of Directors.

4. *Duties of Vice-Presidents.*—It shall be the duty of the first vice-president, in the absence or inability of the president to act to exercise all his powers and discharge all his duties, but in case of the absence or disability of both the president and first vice-president it shall be the duty of the second vice-president to exercise all the powers and discharge all the duties of the president, and in case of the absence or disability of the president, the first vice-president, and the second vice-president, a president pro tempore shall be chosen by the board.

5. *Duties of Secretary.*—The secretary shall attend all meetings of the stockholders and Board of Directors, and shall keep a true record of the proceedings thereof; he shall cause to be kept in the office of the company all letters, contracts, leases, assignments, and other instruments in writing and documents not properly belonging to the office of treasurer; he shall execute all bonds, contracts, and other instruments authorized to be made or executed on behalf of the company; provided, that all instruments requiring the seal of the corporation shall also be executed by the president. He shall also perform such other duties as may be assigned to him by the Board of Directors.

6. *Duties of Assistant Secretary.*—It shall be the duty of the assistant secretary, in the absence or inability of the [fol. 300] secretary to act, to exercise all his powers and discharge all his duties.

7. *Duties of the Treasurer.*—The treasurer shall receive all moneys of the association, safely keep the same, and pay out such sums as may be authorized by the Board of Directors. He shall keep full and accurate accounts of the receipts and disbursements, and take and preserve vouchers for all moneys paid out. He shall render a statement of the financial condition of the company at every annual meeting of the stockholders, and shall produce vouchers and make special and complete reports whenever so requested by the Board of Directors. He shall give a bond in such amount as the board may require, and his books shall be open at all times to the inspection of any stockholder.

Relating to Members

VI. Members

1. *Who Are Members.*—The proprietors of the newspapers receiving the news report of The Associated Press shall constitute its membership and be designated as "Members of The Associated Press."

2. *Membership Roll.*—The secretary of the company shall keep a record of all newspapers entitled to a news report from the association, and be known as the Membership Roll, and no service of news shall be rendered to any newspaper until it shall have been properly enrolled.

3. *Who Are Eligible.*—Memberships shall not be confined to newspaper proprietors who are the owners of stock, but may be issued without regard thereto to any newspaper proprietor in accordance with the terms and conditions provided in these by-laws.

VII. Admission of Members

[fol. 301] 1. *How Admitted.*—Application for admission to be a member of this association shall be made by a communication in writing addressed to the Board of Directors, and signed by the proprietor of the newspaper for which the news report is desired. The application shall be accompanied by the consent in writing of all persons whose consent is necessary under the by-laws, to authorize the board to grant the application. Applications may be acted upon at any meeting of the Board of Directors of the Executive Committee, the affirmative vote of a majority of those present being necessary to elect.

2. *Consent of Local Board.*—No new member shall be admitted except in accordance with the provisions of the bylaws relating to Local Boards, where publication is proposed in a city or town having at the time one or more members holding certificates of Series A. Newspapers which were entitled to a service of news under existing contracts with The Western Associated Press or The United Press on the 15th day of October, 1892, shall not be considered new members within the meaning of this article. In case of any membership contract issued under the consent of a local board, no change in the class of such contracts shall

be made without the consent originally required again being obtained.

3. *Membership Contract.*—Every member shall be required to execute a contract with the association before the name of the newspaper of which the member is the proprietor shall be entered upon the Membership Roll. The form of this contract shall be prescribed by the Board of Directors, and it shall conform to the requirements of the bylaws, embodying the substance of their provisions respecting the rights and duties of members.

[fol. 302] 4. *Stock Deposit to Secure Contract.*—Each membership contract with a stockholder shall obligate the member to deposit with the treasurer of the company all shares of the stock of the company of which he shall be the owner.

5. *Ratification.*—No membership contract shall be finally executed or binding upon the Association until it shall have been approved or ratified by the Executive Committee or a majority of the members of the Board of Directors.

VIII. Certificates of Membership

1. *Form of Certificate.*—The evidence of membership shall be a certificate signed by the president and secretary of The Associated Press and bearing its seal. It shall set forth the language in which the newspaper admitted as a member shall be printed; it shall state whether the newspaper is a morning or an afternoon paper; and the place of its publication; it shall entitle the holder to receive for publication in the newspaper named a day or night report, as may be specified upon payment of a weekly toll, to be fixed by The Associated Press, acting through its Board of Directors. Certificates shall be issued in two classes, to be designated Series A and Series B, and shall state the substance of the franchise obligations included in the contract of the members, as provided in these bylaws.

2. *Series A.*—The holder of a certificate of membership of Series A shall be entitled to receive the news report provided for in his contract, nd no new membership shall be created in his city, or such additional territory contiguous thereto as may be specified in his contract, without the consent in writing of all the holders of certificates of Series

A in such city and additional territory, except as may be otherwise provided in these bylaws.

[fol. 303] 3. *Series B.*—The holder of a certificate of membership of Series B shall be entitled to the report specified in said certificate, and shall not be deprived of the same, except as may be provided in these bylaws. It shall not carry with it any exclusive or restricted privileges whatsoever, except as provided by specific contract otherwise, and its sole object shall be to establish the fact that the newspaper holding it is a member of The Associated Press, entitled to receive the specified service upon payment of the weekly toll fixed by the association through its Board of Directors.

4. *Divisions of Series A.*—Certificates of Series A class shall be of three kinds, to be designated as Series A, Series A Morning, and Series A Afternoon. Series A certificates shall be issued in all cases where the contracts do not specifically restrict and limit the veto power to the morning field alone, or to the evening field alone, and such Series A certificates shall entitle the member who holds them to all the powers of veto in respect to the admission of new members heretofore specified in section 2 of this article of the bylaws; Series A Morning certificates shall entitle the members holding them to the power of veto in respect to the admission of morning papers only; Series A Afternoon certificates shall entitle the members holding them to the power of veto in respect to the admission of afternoon papers only.

IX. Rights and Privileges of Members

1. *Use of News.*—A membership shall only entitle the holder to publish the news of The Associated Press in one newspaper and in one language, as specified in the certificate, and to the use of the news received within stated hours.

2. *Hours of Publication.*—Morning papers shall be entitled to all despatches received in any office of The Asso-[fol. 304] ciated Press before 5 A. M., standard time; with the privilege of publication between 11 P. M. and 11 A. M., standard time; and afternoon papers shall be entitled to all despatches received in any office of The Associated Press before 4 P. M., standard time, with the privilege of publication between 11 A. M. and 11 P. M., standard time; *Pro-*

vided, the Board of Directors or general manager may authorize, upon extraordinary occasions, the use of Associated Press despatches in extra editions outside of the hours named.

3. *Duration of Membership.*—No membership shall be issued or contract made for a term of years longer than the period for which The Associated Press is incorporated.

4. *Method of Withdrawal.*—A member may be permitted to withdraw by a vote of a majority of the Board of Directors, upon the payment of all assessments, the surrender of all shares of stock hypothecated as security for the membership contract, and the cancellation of his contract certificate of membership. All shares of stock so surrendered and all other stock of the association owned by the association shall be held in the treasury of the association, and be available for sale to new members by order of the Board of Directors under the provisions of the by-laws.

X. Local Boards

1. *Charter.*—In every city where there shall be more than one member holding a membership certificate of Series A, of either of the three kinds, as hereinbefore provided for in By-Law VIII, there shall be a local board acting under a charter issued by the Board of Directors of the Association, which shall be signed by the president and secretary, and bear the seal of the company.

[fol. 305] 2. *Composition and Power.*—Every member in such city holding a certificate of Series A, of either of the three kinds, shall be entitled to a representation and one vote at all meetings of the local board, and no new membership shall be issued authorizing the publication of the news of the Association in any city without the unanimous consent in writing of the members of the local board in that city, whose consent may be required under the conditions of their membership certificates.

3. *How Organized.*—The local board shall organize within thirty days after the Board of Directors shall issue a charter, by electing a president, a secretary, and such other officers as it may elect to appoint. The secretary of the local board shall transmit the names of the officers so elected by communication in writing to the secretary of The As-

sociated Press, and if such notification shall not be received by the secretary of The Associated Press within sixty days after the date the charter is issued, he shall fix a day at which the members of such city or town shall meet for organization, and shall mail a notice to each member advising him of the date so fixed.

4. *To Furnish Information.*—The president of the local board in any city shall, upon a request received from the Board of Directors of The Associated Press, or from its president or general manager, furnish any information asked for regarding the members in that city, and shall convene the board to investigate any violations of these by-laws, and upon ascertainment of the facts shall report the same without delay to the officer or party making the request.

5. *Where Only One Member.*—In any city in which there shall be only one member holding a Series A certificate of membership, or either of the three kinds, such member shall [fol. 306] have and exercise all the powers of a local board under any of the by-laws, with respect to the specific privileges conferred by the class of membership certificate held by such member.

XI. Duty of Members

1. *General Obligation.*—The contract made by The Associated Press with its members, whether holding under certificates of Series A, or either of the three kinds, or Series B, shall obligate the members of continuous publication of the paper named on the days of its regular publication; to take the service of the Association for a stated period; to publish the same in whole or in part; to pay a stated weekly assessment; and to furnish to the Association, subject to the mutual and common use of its members, all the news, local and telegraphic, of their respective districts, the area of which shall be determined in each case by the Board of Directors, but in the case of a member holding a certificate of Series A, either of the three kinds, this obligation shall not extend beyond the territory covered by his franchise.

2. *How News Shall Be Furnished.*—In cities where The Associated Press has an agent the members of the Association shall afford such agent convenient access at all times

to the news in their possession, which they are required to furnish as aforesaid, and in cities where the Association has no agent the members of the Association shall transmit to the Association the news required to be furnished by them in such manner as may be directed by the Board of Directors of the association or its general manager.

3. *What News To Be Furnished.*—The news which members shall furnish as herein required shall be all such news as is spontaneous in its origin, but shall not include any news that is not spontaneous in its origin, but which has [fol. 307] originated through deliberate and individual enterprise on the part of the newspapers first securing the same. Such original news shall be held to be individual and special to that newspaper.

4. *Association To Protect Specials.*—No news furnished to the association by a member shall be supplied to any other newspaper published within the district which the Board of Directors shall have described in defining the obligations of such newspaper to furnish news to the association.

5. *Change of Language.*—The language of publication of a newspaper for which a membership certificate shall have been issued shall not be changed without the consent of the Board of Directors of The Associated Press and the approval of all the members of the local board, if there be one, in the city or town in which such paper is published.

6. *Change of Name.*—Whenever the name of any newspaper, for which a membership certificate has been issued, shall be changed in any respect, the proprietor of such newspaper shall immediately thereafter give written notice of the change to the Board of Directors of the association and shall return its certificate of membership to be cancelled, whereupon a new certificate shall be issued in the new name and the contract with such member shall be changed to conform to such change of name.

7. *To Guard News Report.*—No member shall furnish the news of the association in advance of publication to any person who is not a member, or furnish to another member any news received from the association which the association is itself debarred from furnishing to such member.

8. *Sale of Purchase of Specials.*—No member shall furnish or permit any one to furnish its special or other news, to, or shall receive news from, any person, firm, or corporation which shall have been declared by the Board of [fol. 308] Directors or the stockholders to be antagonistic to the association. And no member shall furnish news to any other person, firm, or corporation engaged in the business of collecting or transmitting news, except with the written consent of the Board of Directors. And no member shall pay any money or other valuable consideration to any person or association declared to be antagonistic to The Associated Press, under any contract, agreement, or understanding with such person or association in relation to or in connection with his or its business of furnishing news.

9. *To Print Credits.*—Members shall print in their newspapers such credit to The Associated Press, and to any paper or other source from which news may be obtained, as shall be required by regulations to be adopted from time to time by the Board of Directors.

XII. Publication

1. *What Constitutes.*—The publication required of members shall be that a *bona fide* newspaper continuously issued, as contemplated in the specifications of the contract, to a list of genuine paid subscribers. A publication conducted for the purpose of preserving a membership, and not for public sale and distribution, shall not be regarded as sufficient compliance with those by-laws. The cessation of publication or irregular publication shall not be sufficient ground for suspension of a member, in the discretion of the Board of Directors.

XIII. Assessments

1. *Payable Weekly in Advance.*—All regular assessments levied against members shall be payable weekly in advance, and the treasurer or general manager of the association shall draw on each member therefor every Monday. Such [fol. 309] assessments shall be paid promptly, and if any assessment draft shall be unpaid at the end of three days after presentation a penalty of 10 per cent. shall be added thereto, and it shall be the duty of the secretary to at once notify the member in default that the news service will be

discontinued at the expiration of two weeks from the date of the notice unless all overdue assessments and penalties shall have been paid to the treasurer of the association before that date.

2. *Redistribution of Assessments.*—In all cases where the assessment levied against a member is a fixed *pro rata* part of a total assessment required to be returned unimpaired as to the aggregate sum, from the city or town in which such newspaper is published, the whole assessment shall be redistributed *pro rata* among the remaining members in that city or town when any member is suspended or withdraws. All such additions to the assessments of the remaining members as they may have paid because of the discontinuance of a member shall be refunded to them before the board shall have power to restore a member who has withdrawn or been suspended from the privileges of membership.

XIV. Suspension of Members

1. *Board May Suspend.*—The Board of Directors shall have the power, by a two-thirds vote of the whole board, to suspend a member or impose upon him a fine not exceeding $1,000 for furnishing news to any person or association antagonistic or in opposition to The Associated Press; or for purchasing news from any person or organization formally declared by the Board of Directors, or by the stockholders of the association at any annual or special meeting, to be in such antagonism or opposition, or for any other [fol. 310] violation of the by-laws or his contract; provided, always, that ten days' notice in writing of a complaint be first served upon the offending member, and said member shall have an opportunity to be heard in his own defense, and if said member shows that the offence was unintentional and shall have discontinued the same he shall not be suspended or fined.

2. *Report to Stop.*—Upon the suspension of a member the news report shall be discontinued and the facts in the case shall be reported to the stockholders of the association at their first regular or special meeting thereafter.

3. *Hearings.*—All hearings shall be at the general office of the association in the city of Chicago, unless otherwise arranged with the consent of the offending member.

4. *Opportunity to Appeal.*—No order of suspension by the board shall operate as a forfeiture of membership until the next annual meeting of the stockholders shall have been held, and until six months shall have elapsed after the order of suspension.

5. *Public Documents.*—Any member of this associaion who shall anticipate the publication of any documents of public concern confided to this association for use on a stipulated date, however said member may have secured said document, may be suspended from the service of this association for a period not exceeding one week, and may be fined by the Board of Directors not exceeding $1,000, and be suspended until the same be paid. Provided, that no member shall be so suspended or fined without due opportunity for explanation.

6. *Board to Specify Prohibitions.*—Nothing in this or other bylaws shall be taken to prohibit any member from purchasing news from any person or organization which has not been formally declared by the Board of Directors [fol. 311] or the stockholders of the association to be antagonistic or in opposition to The Associated Press. Notice of such formal declaration as to any person, newspaper, or news organization shall be promulgated by a written or printed notification to all the members of The Associated Press so that they shall be equally bound by it before a cause of complaint shall be considered as having arisen.

XV. Forfeiture

1. *Right of Appeal.*—If for any cause the Board of Directors shall suspend a member such member shall have the right to appeal from the board to the stockholders at any time within six months or at the next annual meeting after the suspension shall have been ordered. Appeals may be heard and determined by the stockholders of the association at any regular or special meeting.

2. *Forfeiture Takes Effect.*—If the action of the board shall not be reversed within six months or at the next annual meeting the membership of the suspended member shall be forfeited and it shall be the duty of the secretary to forthwith expunge the name of the newspaper from the membership roll.

3. *Readmission.*—A newspaper, whose membership shall have been forfeited, shall be eligible for readmission only upon the terms and conditions applicable to new members.

XVI. Reservations

1. *Powers Reserved.*—The Associated Press reserves the right to continue any service which it may be rendering at the time a certificate of membership is issued. It also reserves the right to combine, make working arrangements and exchanges of news and wire facilities with other press [fol. 312] associations; provided, two-thirds of all the stockholders holding certificates of Series A signify their consent in writing.

XVII. Construction

1. *Words Interpreted.*—The words "he," "his," "him," and "who," wherever occurring in these by-laws and refering to any member of this association, shall be understood to include any person, firm or corporation owning a newspaper which is on the membership roll of this association.

The words "owner" and "proprietor," wherever occurring in these by-laws, shall be understood to be synonymous.

The words "company," "corporation" and "association," wherever occurring in these by-laws, shall be understood to be synonymous.

XVIII. Amendments to By-Laws

1. *How Amended.*—These by-laws may be amended by the Board of Directors at any regular meeting of said board by an affirmative vote of two-thirds of all the directors of the association; but no amendment shall become operative or take effect until the same shall have been recommended or ratified by a vote of three-fourths of all the stock represented at a meeting of said stockholders regularly convened; provided, that the amendment shall have received the affirmative vote of a majority of all the issued stock.

[fol. 313] EXHIBIT No. 11

Report of Board of Directors to Associated Press on May. 16, 1900

To the Stockholders of the Associated Press:

GENTLEMEN: The general work of gathering and distributing the news service of the association during the past year has been of a satisfactory character and has met with the approval of the membership at large. Your board desires to impress upon your attention a change that has been going on in the demands of the reading public and hence of the members. Until the outbreak of the Spanish-American war interest in news from the foreign field was limited and the expenditures for service by cable were comparatively moderate. Suddenly, however, not only were the operations of the American army and navy in the Philippines and the Antilles of the greatest moment, but a keen desire was awakened for detailed information from every point of the globe. It thus became imperative to cover such events as the Dreyfus case and the South African war to an extent that had never been the policy there-fore. A marked increase in the expenses of the association has been inevitable, and the board has found it necessary to maintain increased assessments as a consequence.

As will be seen from the report of the general manager, there has been paid during the year the sum of $57,104.82 of the principal and $34,262.88 of the interest on the obligations issued to repay voluntary increases of assessment. Since the close of the fiscal year there have been further [fol. 314] payments on the principal to the amount of $57,-104.82, making a total reduction of this obligation of $114,-209.64.

The scheme of organization of the Associated Press, adopted in 1892, was believed at that time to be not only a lawful one but one which contributed in the largest measure to the proper and effective service of the general news of the world to the newspapers of the country. It was intended to be a scheme of cooperation, which would at once call forth the best energies of the management, bring into membership strong, healthful newspapers, *and put under close check all of the agencies employed for the collection and distribution of information to be published.*

Unfortunately it transpires that there were serious defects in the plan. All press associations were admittedly anomalous in their character; so much so that both in New York city and in the New England States the predecessors of this organization had been voluntary and unincorporated associations, while in the Western territory it had been found necessary to secure a special charter (enacted by the General Assembly of Michigan) for the organization of the Western Associated Press. There was no law in existence in Illinois or elsewhere in 1892 which, so far as we were advised, was precisely adapted to our needs. Under the circumstances an incorporation was effected under the general laws of Illinois and an earnest effort was made to bring the association in harmony with its provisions.

A Chicago member who had shared in the work of organizing the corporation seized upon the defects and a prolonged litigation followed, resulting finally in a decision by the Supreme Court of Illinois that the business of the Associated Press has become so impressed with a public interest that it becomes our duty to admit to membership [fol. 315] any newspaper applying, and that the rule in force for many years in all news gathering organizations, and providing for an alliance, offensive and defensive, between member and association, *was void as in restraint of trade.* This decision has been followed by a decree in obedience to a mandate from the Supreme Court, and your board has no alternate but to recommend to you the adoption of such amendments to your by-laws and contracts as will bring the corporation and its methods into conformity with the law as now declared by the court of last resort in the State from which we hold our charter. It will be necessary to strike from the by-laws the following:

1. The phrase in Article VII, section I, as follows: "The application shall be accompanied by the consent in writing of all persons whose consent is necessary under the by-laws to authorize the board to grant the application.

2. Section 2 of Article VII.

3. The following phrase at the close of Section I of Article VIII, reading: "Certificates shall be issued in two classes, to be designed Series A and Series B, and shall state the substance of the franchise obligations included

in the contract of the member, as provided in these by-laws."

4. All of Sections 2, 3, and 4 of Article VIII.

5. Article X entire.

6. The phrase in Article XI, Section 1, as follows: "Whether holding under certificates of Series A of either of the three kinds, or Series B," and "to continuous publication of the paper named on the days of its regular publication; to take the service of the association for a stated period; to publish the same in whole or in part," and "but in the case of a member holding a certificate of Series A [fol. 316] of either of the three kinds, this obligation shall not extend beyond the territory covered by his franchise."

7. All of Section 8 of Article XI.

8. All of Article XII.

9. The phrase in Section I of Article XIV, reading, "for furnishing news to any person or association antagonistic or in opposition to the Associated Press; or for purchasing news from any person or organization formally declared by the board of directors or by the stockholders of the association at any annual or special meeting to be in such antagonism or opposition," and the words "or" and "other," immediately following thereafter.

10. All of Section 6 of Article XIV.

Your board recommends that all of the contract forms of the association be amended so as to conform to the changes in the by-laws indicated above.

[fol. 317] EXHIBIT No. 12

Whereas, In the formation of the Associated Press, under its present charter, it was the intention to organize a mutual cooperative associaiton, having for its purpose the gathering and exchanging of news among its members and not contemplating in any way the assumption of any other attribute that would attach to it a public use; and

Whereas, The Supreme Court of Illinois held that the nature of the charter and extent of its business had im-

pressed it in the view of the court with a public interest, such as would require it to serve all comers; and

Whereas, It is deemed impracticable to conduct a press association on the basis indicated by the court, the exclusive character of news being an essential element of its value and incentive to its collection;

Resolved, That the board of directors be instructed to take the necessary steps to wind up the service and affairs of The Associated Press, having always in view that ample time should be given all members to arrange for other news facilities.

[fol. 318] EXHIBIT No. 13

The Associated Press

The annual meeting of The Associated Press (New York corporation), which by the bylaws is fixed for Sept. 19, will be necessarily adjourned to a later date, of which due notice will be given hereafter. It has been found that the details incident to the perfection of the organization and the commencement of its new service are of such a character as to render it impossible to complete them in the time available before next Wednesday. A number of the newspapers served by The Associated Press of Illinois have not as yet forwarded their applications, and it will facilitate matters to have them in hand at once.

Frank B. Noyes, President.

[fol. 319] EXHIBIT No. 14

Confidential Communication to Publishers

In execution of instructions given by the stockholders of The Associated Press, conveyed in various resolutions adopted at their meeting in Chicago, on September 13th, the Board of Directors have arranged to wind up the affairs of the association, and to sell and transfer its assets to the corporation organized under the laws of the State of New York, and known as The Associated Press. Assurance has been given the Board in a satisfactory form that The Associated Press, of New York, will purchase and

take over the assets of the Illinois corporation, and furnish an adequate and complete service of news to all its members immediately upon the discontinuance of the service now rendered.

The Boards of the Illinois and New York corporations have entered into a written agreement in connection with the transfer of assets covering the full payment of all liabilities for which the association, its officers or its members may be responsible. The Boards of the two associations have also arranged that the news report of the Illinois corporation shall stop at midnight on Sunday, September 30th, and the news report of the New York association shall begin on the same day and at the same hour. In view of the early date at which the Illinois association will discontinue its news report, all its members are earnestly urged to immediately complete the necessary arrangements for securing the news from the New York association, to which end applications for membership in that organization should be filed without delay. The Board of that association has undertaken to admit all members of the Illinois [fol. 320] corporation with rights and privileges as nearly as practicable exactly the same as those they now enjoy.

It has also arranged for the purchase at par of all stock held by stockholders of The Associated Press, of Illinois, and the details as to the manner in which stock will be redeemed under this arrangement will be communicated to the stockholders at an early date.

Charles W. Knapp, President, The Associated Press.

[fol. 321] EXHIBIT No. 15

Notice

The Associated Press (New York corporation) will begin the service of news to all who have qualified as members, at midnight of September 30, 1900. To qualify it is necessary that the application for membership be sent at once in order that the applicant may be duly elected.

A general meeting of the members of the New York corporation for the election of directors will be held in the City of New York in the near future, and due notice will be given of the same.

Frank B. Noyes, President.

[fol. 322] EXHIBIT No. 16

Confidential to Members of the Associated Press

New York, September 21.—In view of the early discontinuance of the news report of The Associated Press, the Board of Directors has authorized the General Manager to cancel the membership contracts of all members making request to that effect. Upon application of a member and presentation of the membership contract, it will be duly indorsed as cancelled, and the member will be released from all obligation thereunder. It is desirable that all the membership contracts should be cancelled, the stockholders having ordered the Board of Directors to wind up the affairs of the corporation. The contracts should be forwarded at once to Charles S. Diehl at the Chicago office, so that the liabilities of the members thereunder may terminate at the time their new obligations as members of the New York corporation begin.

It can be stated for the information of all who are interested that the claim of the Inter-Ocean Publishing Company, for which a suit for damages is pending in the Illinois courts, has been amicably adjusted by arbitration, awarding a payment in final settlement. As a part of this settlement the Inter-Ocean Publishing Company has agreed to dismiss all suits which it has instituted against The Associated Press and its officers. Satisfactory arrangements have also been made with the New York Sun for the dismissal of all suits which it has heretofore begun against the association.

The New York papers, members of the Illinois corporation, decided unanimously at a meeting held today to be-
[fol. 323] come members of the New York corporation, and there is every indication that the same course will be followed uniformly by all the members of the Illinois association, so that there will be no hiatus in their news service when the report of the Illinois association stops at midnight on Sunday, September 30.

Charles W. Knapp, President.

[fol. 324] EXHIBIT No. 17

Report of Committee to Associated Press Dated September 21, 1900

The committee resumed its session on September 18 in New York and kept continuously in session till the evening of the 21st. While most of that time was devoted to an examination of the by-laws of New York, it has also carefully examined all subjects presented to it; it has had the advantage of the presence of and suggestions from a large number of interested Associated Press members; has had the legal views of all sides as presented by Messrs. John P. Wilson of Chicago and F. W. Lohman of St. Louis for the Associated Press of Illinois; by F. B. Jennings of New York for the Associated Press of New York; by Clarence A. Knight of Chicago for the Chicago *Inter Ocean*, and by James W. Gerard of New York on behalf of some of the New York papers. It has had conferences with the directors of both the New York Association and the Illinois Association.

It feels that each important detail of the questions submitted to it has been given thorough investigation and has in consequence, the fullest confidence in the correctness of its findings and recommendations, which are herewith unanimously submitted.

The Associated Press of Illinois should be disincorporated as soon as the interests of the members permit and the legal requirements can be satisfied. Action taken by the stockholders at Chicago in line with the recommendation of this committee empowers the directors of the organization to wind up its affairs and to arrange for a transfer of its assets to some other corporation.

[fol. 325] The news rights of members can, in our judgment, be better protected under a plan of organization followed in the New York Association than under any other which has been suggested.

With the amendments to the bylaws suggested by this committee the present rights and privileges of all members of the Illinois Associated Press who care to join it are maintained as nearly as possible under the laws of the State of New York. And this seems to be the only way in which they can be maintained.

After careful deliberation the committee unanimously decided to recommend various amendments to the bylaws of the Associated Press of New York, all of which have been accepted by the directors and members of that association and will be found in revised copies of its bylaws.

The committee found that the charter and bylaws of the Associated Press of New York embodied the same general plan as the bylaws of the Associated Press of Illinois, with such changes as had been necessitated to remedy legal defects, which experience had disclosed in that plan.

The president of the New York association explained to the committee that the attempt of the framers of its bylaws was not to improve on the present regulations and bylaws of the Associated Press of Illinois but to adhere absolutely thereto, as far as could be done under the laws of New York and judicial decisions. They assumed that the bylaws of the Illinois organization, in intent, had the approval of the stockholders thereof and should not be changed save by the stockholders themselves. The committee agreed with this view of the case, and, in the amendments proposed by it, sought to safeguard the rights of members more effectually without departing from the general plan of the organization, with which members are familiar.

[fol. 326] The most radical change made in the bylaws of the New York association as compared with the bylaws of the Illinois organization is the conversion of the unqualified veto power of members as regards local admissions to news service into a right of protest, which completely restrains action in that respect by the board of directors, but may be overruled by the affirmative vote of four-fifths of all the members of the association. The committee received emphatic warning from counsel that this was the extreme limit to which an embodiment of the old veto power could be safely attempted in the new organization.

This right of protest is further qualified by the proviso that the board of directors may elect to membership the proprietor of any newspaper which was entitled to a service of news under an existing contract with the Associated Press of Illinois on the thirteenth day of September, 1900.

The committee unanimously approves of the conversion of the veto power into this qualified right of protest.

By an amendment made at the instance of this committee the exercise of authority under the antagonistic

clause (Section 7 of Article VIII) is guarded by the requirement that the affirmative vote of two-thirds of all the members of the board of directors shall be necessary, and it is expressly provided that the authority of the board of directors in the election and discipline of members cannot be delegated to the executive committee, but is reserved to the full board.

Other amendments made at the instance of this committee are intended to assure members of early and complete information of all the proceedings of the association.

The directors are required to send their annual report for each fiscal year to each member at least twenty days [fol. 327] prior to each annual meeting. The directors are also required to mail to each member a report of the proceedings at the annual meeting and also of the proceedings at each meeting of the board of directors as soon thereafter as shall be practicable. The number of directors is increased from six to fifteen.

The holding of special meetings of the members is facilitated by requiring the call to be issued on the demand of fifty members instead of one-fifth of the membership as originally provided in the bylaws.

As the membership of the New York Association will be nearly 700 and may be increased it was thought that the one-fifth requirement might be too onerous a condition, while members should not be subjected to the trouble and expense of a special meeting unless the matter were of sufficient moment to obtain the signatures of fifty members to the call.

Other amendments made at the instance of the committee insure additional precautions against allowing bonds of the association to get into outside hands by divesting the bonds of voting privileges in such cases and making it mandatory upon the board of directors forthwith to call in and redeem such bonds.

Any newspaper entitled to the service of the Associated Press of Illinois on or before September 13, 1900, will be admitted to the New York organization with rights and privileges equivalent to those which it enjoyed under the Illinois corporation.

No members have been admitted as yet and no advantage will accrue to anyone simply because he has applied prior to this date, nor for any reason save the possession by him

of some privilege under his existing contract and in conformity with the bylaws of the Illinois Association.

[fol. 328] Applications for membership received prior to the date fixed by the New York association will be acted upon at the same time, granting to each applicant the particular right to which he may now be entitled. Your application should, therefore, be forwarded at once, with power of attorney to some one to sign the bylaws for you in New York City.

Applicants who apply later than the date fixed for admission can be received, but if they desire veto rights may find it difficult to secure from a large membership the seven-eighths vote necessary to confer such rights. This and the probability of early discontinuance of the Illinois association service sufficiently explains the committee's reasons for sending out its telegraphic statement of September 19 advising publishers of the committee's conclusion and urging speedy action in sending in applications.

Present stockholding members of the Illinois Associated Press may subscribe for bonds of the new association in proportion to the number of shares they hold in the Illinois association, $1,000 in bonds for each eight shares of stock. Check or cash should accompany the subscription. If all who may should avail themselves of this privilege it will take up $143,000 of the $150,000 bonds authorized. Bonds not subscribed for in this manner will be held in the treasury till the annual meeting and await then the disposition of the members themselves.

These bonds carry with them the privilege of voting (for directors only), one vote being allowed to each $25 in bonds, provided that the holder has formally waived interest thereon twenty days before the election, and provided that no holder is permitted to vote on more than $1,000 in bonds.

The annual meeting and election of directors of the new association will be held in New York after the presidential [fol. 329] election—about the middle of November. Due notice thereof will be given and the chairman of the Chicago publishers convention, under whose authority this committee is acting, has issued a call for that body to meet in New York on the day preceding the meeting of the Associated Press to take such action as it may deem proper as to this committee's report and other matters that may be presented.

It should be remembered that at this convention and at a meeting of the new Associated Press every newspaper which has signed the bylaws and is receiving the news service is entitled to vote, either personally or by proxy.

An arrangement has already been perfected between the two associations under which the Associated Press of New York assumes all the legal liabilities, debts and obligations of the Associated Press of Illinois in consideration of receiving all its assets. According to the itemized statements examined by this committee the Associated Press of Illinois is in good condition, the present monthly revenues yielding sufficient to pay off all indebtedness, actual and possible, within a year and a half from this date.

As to liabilities of members of the Associated Press of Illinois, there is no stockholders' liability, the capital stock issued being fully paid up. Under the arrangements before referred to between the Illinois and New York corporations there will be no moral liability to stockholders, the debts and obligations being assumed by the New York corporation.

There is no liability for members under the present news contracts signed by them, since at the stockholders' meeting in Chicago, September 13th, the directors were instructed, under recommendation of this committee, to cancel any member's contract on his request, and to issue to [fol. 330] him a contract terminable upon ten days' notice from either party.

There will be no liability to the Illinois association itself under these news contracts, since all holders thereof are offered the same rights in the New York Association.

The suit brought by the Chicago *Inter Ocean* against the Associated Press and which threatened to prove a serious obstacle in the adjustment of the main issues has been brought to a conclusion through a settlement satisfactory to all parties, and the *Inter Ocean* has applied for membership in the new association.

The objections raised by the New York City Associated Press newspapers have been met by the committee's amendments to the by-laws and by local adjustments, and on September 21st, such newspapers formally notified the committee that they had decided to join the new association in a body. The committee knows now of no newspaper among the 670 members of the Associated Press of Illinois, that has

grounds for dissatisfaction with the new arrangement as finally perfected.

The committee in the course of its labors has had abundant opportunity to recognize the zeal, patience and fidelity with which the trustees of the corporate interests of members have labored in behalf of those interests, and the committee desires to record its profound appreciation of the value of the services of those gentlemen.

The committee unanimously adopted the following:

Resolved, That this committee recommends that when the members of the Associated Press of New York meet for the purpose of electing the full board of directors the following resolution be adopted:

Resolved, That the board of directors is hereby directed at the earliest practicable moment, to make a fair and rea- [fol. 331] sonable adjustment of the assessments to the end that such modified rates may be based on reading population, proximity to news centres, cost of collection and transmission of news, or such other elements as may properly enter into the cost of the report and its value in the respective cities of publication, but treating each locality and each newspaper on the same basic principle.

The committee feels that it is justly able to congratulate the members upon the disappearance within ten days of the graver dangers that menaced the perpetuity of a united association and upon the favorable prospect of the safe reestablishment of a news service upon the principles of mutual ownership for the exclusive use of members.

The results accomplished are due in large part *of* the desire shown by all members of the association to promote the common good and to the earnestness with which they aided the committee in its responsible duties.

The committee, while adjourning on this day, holds itself ready at the call of the chairman to reconvene should the interest of the members seem to demand such action.

There seems to be no good reason, however, why its further services should be necessary and why it may not be discharged when the convention shall meet again in November.

H. W. Scott, Chairman. V. S. McClatchy, Secretary.

[fol. 332] EXHIBIT No. 18

The Associated Press

(Incorporated under the laws of the State of New York, Frank B. Noyes, President, etc.)

New York, N. Y., September 18, 1900.

GENTLEMEN:

The Stockholders of the Associated Press, of Illinois, have directed the Board of Directors to wind up its affairs, and with that object in view the undersigned have been appointed by the Board as a Committee with power to submit a proposition for the sale of the assets of this corporation.

We believe it is practicable to make an arrangement for the sale of such assets to your corporation which will be of mutual advantage to both corporations concerned, and their members, and in accordance with our conferences with you and your co-Directors upon the subject, we now submit the following proposition:

We hand you herewith a copy of our balance sheet of July 31, 1900, from which it appears that the tangible cash assets of our corporation are nearly but not quite sufficient to meet its current recognized liabilities.

In addition to these assets as you are aware, our Corporation has many leases and contracts which will be of great value to your corporation, while it is also subject to certain contingent or possible liabilities not shown upon our balance sheet.

We propose to sell and transfer to your corporation all our contracts, leases and assets of every description other [fol. 333] than cash, and accounts and bills receivable, provided that you will agree in such form as our counsel may advise:

1. To pay to us upon demand such sum or sums as may be necessary to enable us to meet and discharge the liabilities shown upon said balance sheet, and all expenses incurred by our corporation in its current operations so far as the cash assets in our hands may be insufficient, we agreeing to devote such cash assets to that purpose.

2. To pay to us upon demand such sum or sums as may be necessary to enable us to meet and discharge any judg-

ment or judgments that have been or may be obtained against us or against any of our past or present Directors, and officers, including our General Manager and Assistant General Manager, in any suits now pending, a list of which has been furnished to you, and any and all expenses incurred by us or them in defending the same, or in connection therewith.

3. To assume and agree to pay any judgments which may hereafter be obtained against any of our past and present Directors and officers, including our General Manager and Assistant General Manager, in causes of action arising out of anything done by them as such Directors and officers.

4. To pay to us upon demand such sums as may be necessary to enable us to pay any amount that may be found due from us to the Inter Ocean Publishing Company, in the arbitration proceedings now pending between it and our Company.

5. To assume all the obligations of all contracts and leases so sold and transferred to you.

6. To assume our liability to our members on account of a voluntary increase in their assessments during the period from 1893 to 1897, amounting to about $186,000, and to [fol. 334] agree to discharge the same, with interest, on or before December 31, 1905.

We, upon our part, agree to proceed with all practicable speed to liquidate our corporation, and cause it to be dissolved.

If this proposition is accepted by your corporation a more formal agreement can be prepared in such form as our respective counsel may approve.

Yours truly, (Signed) Chas. W. Knapp, Victor F. Lawson, Charles H. Grasty, Committee.

[fol. 335] EXHIBIT No. 19

New York, September 20, 1900.

Messrs. Charles W. Knapp, Charles W. Grasty, and Victor F. Lawson, Committee.

GENTLEMEN:

Our Corporation has arranged for the purchase at par of any stock held by your stockholders in your corporation, which may be tendered on or before November 1, 1900, and you may announce to your stockholders accordingly that any certificates for such stock presented on or before that date at the General Office of the Associated Press in New York City, duly endorsed in blank, will be accepted and paid for at par.

Yours truly, (Signed) Stephen O'Meara, William L. McLean, Frank B. Noyes, Committee.

(133)

[fol. 336] EXHIBIT No. 20.

New York, September 20, 1900.

Messrs. Charles W. Knapp, Charles H. Grasty, and Victor F. Lawson, Committee.

GENTLEMEN:

The proposition contained in your letter of September 18, 1900, has been duly considered by our Board, and by their authority we, as a committee duly appointed with power, hereby accept the same, provided, however, that it is distinctly understood that in making the purchase proposed we do not assume any liabilities except those specified in your letter, and particularly that we are not to be responsible for any liability or obligation growing out of demands made upon you for a news service, either through proceedings in court or otherwise.

Yours truly, (Signed) Stephen O'Meara, William L. McLean, Frank B. Noyes, Committee.

(134)

[fol. 337] EXHIBIT No. 21

Resolved, That the General Manager and President of this Corporation be and they are hereby authorized to make and deliver to the officers of The Associated Press of Illinois a check for the sum of Twenty-five thousand dollars, upon the receipt of such Bill of Sale and Assignment duly executed.

(135)

[fol. 338] EXHIBIT No. 22

Resolved, That the acts of the Special Committee appointed at the meeting held September 19th, as indicated in the foregoing letters written by said Committee, under date of September 20, 1900, be and the same hereby are in all respects adopted, ratified, approved and confirmed as the acts of this Corporation.

(136)

[fol. 339] EXHIBIT No. 23

In the Western Associated Press and in the Illinois Associated Press were established what were known as "veto rights" in which certain members were given the right of forbidding the service to additional newspapers in defined territories, ranging from a given city to the territory within a radius of 150 miles.

When the present organization was formed this was modified to a "right of protest" which provided that unless the protest right was waived the Board of Directors could not elect a member in opposition to a "right of protest" but that the general membership at meetings was entirely free to elect members anywhere if it so pleased.

At that time of a total of 603 members, 277 were granted protest rights of a greater or less degree. The mortality of newspapers is indicated by the fact that the number of protest rights now is but 219. No new ones have been granted since 1900, while the membership has increased from 603 to 1,272.

It long ago became apparent that these protest rights, when they affected territory other than the home city of a

member and the immediate suburbs, say a radius of ten miles, if insisted on, would seriously limit the usefulness of the organization generally, both as denying us quick access to news of the city refused membership and also as creating hostility on the part of the communities thus excluded.

The recognition of this situation has been singularly general, and taking the country as a whole, the points where protest holders have exercised their rights of protest on [fol. 340] outside territory have been almost negligible, six or eight at most.

In a few cases where after careful consideration your Board of Directors have felt that the interests of the general membership would be served and no substantial injury result to the protesting members, it has recommended as individuals that the general meeting elect the applicant.

Until the last meeting such recommendations have been followed by the meeting and the applicant elected. At that time the Board recommended individually the election of an applicant in a city more than forty miles from the protesting member and one which had for years supported profitable local newspapers which received news reports from opposition services and contributed money and, more important, news to the support of these services.

On this occasion while the vote was favorable to election by a very large majority, it was not sufficient under the by-laws and the applicant failed of election.

At the same meeting it was suggested by the Board that a resolution be adopted endorsing the opinion of the Board of Directors that it is to the best interest of the organization that members holding rights of protest extending beyond ten miles from the limits of the city of publication should not exercise such rights. The suggestion was laid on the table.

It would show a lack of frankness if I failed to say that I feel sure that these votes were not for the best interest of the organization.

The Board of Directors when acting on applications where no protest rights are involved gives most careful attention to the various interests concerned, the interests of the individual members and that of the collective membership.

[fol. 341] In the overwhelming majority of cases it decides that the field is already adequately filled and the applicant is not elected.

In no case has it elected or recommended election when it felt that real injury was done a present member.

In no case I think has an election by the Board or by the membership on its individual recommendation resulted in any real injury to a member.

[fol. 342] EXHIBIT No. 24

Report of the Special Committee on Revision of the Bylaws

At the annual meeting of members of The Associated Press held in New York, April 21, 1941, the following resolution was adopted by unanimous vote:

> *That a representative committee of three morning, three evening and three morning and evening combination newspaper members (the word "representative" meaning as between large and small membership) be appointed by the President, with power vested by this convention to present to the next Annual Meeting, or to a special meeting called for that purpose, such amendments or revisions of the Bylaws of The Associated Press as may be necessary or desirable in the interests of The Associated Press.*

Pursuant to this resolution, the President appointed the undersigned members of this committee.

At the conclusion of your committee's first meeting, held in New York, May 23, 1941, a letter was sent to all members of The Associated Press, which,—after reciting the resolution authorizing the committee's appointment, and its personnel,—read as follows:

> The Committee met at the offices of The Associated Press in New York, Friday, May 23, all members being present except Messrs. Chandler, Gannett and Sulzberger.
>
> In all-day session, we considered at length the possibility of amendment and revision of the By-laws that might be desirable in the interests of The Associated Press. We considered conditions confronting the [fol. 343] Management and the members today, differing from those existing at the time of the last general revision of The Associated Press By-Laws forty years ago.

At this meeting we reached the general conclusion that to accomplish the purposes for which we were appointed, we should need in the fullest measure the comment and views of the membership upon the desirability of changes in the By-Laws to meet new and changing conditions.

It will be obvious that any comprehensive revision or amendment of the By-Laws involves rights and privileges and benefits accruing to individual members. We are therefore not only inviting but urging that you collaborate in our effort by:

1. Carefully scrutinizing the existing By-Laws, copy of which we enclose.

2. Advising us promptly of any changes in the By-Laws which you think needed to provide more adequate service or greater use of existing services of The Associated Press.

3. Sending us fully your comments upon the *the* implications of such changes to you and to the membership as a whole.

It is the purpose of your committee to meet again late in June. So that we may have the benefit of your views, we urge that you send them not later than June 15. Please address John S. Knight, Chairman, Detroit Free Press, Detroit, Mich.

Less than 2% of the membership having replied to this communication, on June 26, 1941, the following wire was sent to all members:

Detroit, June 26.

The Special Committee on Revision of By-Laws sent to you on May 23 an important letter relative to any suggestions you may have for amending or revising the regulations of The Associated Press and bringing the [fol. 344] By-Laws up-to-date. The Committee regards this matter as extremely important and requests that your views be forwarded at once to the Chairman. They will be given every consideration by the Committee. If by chance you have misplaced the original letter, please advise and another will be forwarded.

John S. Knight, Chairman, Care of Detroit Free Press, Detroit, Michigan.

Approximately 5% of the membership addressed replies to your committee following the dispatch of this wire, and on September 29 and 30, your committee met again in New York to consider the content of the replies received from the membership to its letter and wire (which covered a wide range of suggestions) and to discuss and formulate recommendations. A subcommittee was appointed to prepare a draft of the recommendations agreed upon, and December 9th and 10th, 1941, your committee met in New York for full consideration of this draft. In view of the scope of the By-Law changes we had concluded to recommend to the membership, it had been our original intention to present our conclusions in general terms, without undertaking to suggest the phrasing of specific bylaw amendments. At our December meeting, however, it became apparent that the membership could not be expected to act upon suggestions for By-Law Amendments, without opportunity to examine the specific provisions of amendments proposed. Our subcommittee was requested to prepare a new draft of report including therein the amendments necessary to make effective By-Law changes we deem necessary and expedient. A revised draft was presented to the full committee December 18th. January 5 and 6, 1942, our subcommittee met in [fol. 345] New York with the By-Laws Committee of the Board of Directors, and in conferences with both the Directors' Committee and the management exhaustively explored all phases of the By-Law changes this report proposes.

This report, as now presented to the membership was adopted by unanimous vote of your committee meeting in New York February 3d, 1942.

We have given full consideration to all communications received and to all matters submitted by the management for our consideration and study, pursuant to the resolution authorizing our appointment. We now present the following report and recommendations for such consideration and action *on each suggested amendment* as the membership of The Associated Press may determine:

* * * * * * *

In our consideration of the desirability of revision of the By-Laws of The Associated Press, we have concluded that no adequate recognition of the need of such revision can be accomplished without reviewing the changes in the

character and extent of our Association's *service to its members* which have been brought about in the past three decades. We believe these changes have, in every instance, been made to meet the requirements of members. Members' requirements have in turn expanded to meet the demands of changing habits, changing interests and needs of the public we serve. At every step in the history of the past thirty years, member newspapers have *themselves* met new demands for reader service, new demands for rapid mechanical production and quick distribution to growing populations, new demands for the fast transmission of news presented in type, pictures, and over the air. To keep abreast of these demands, the management of The Associated Press [fol. 346] has had to exercise ingenuity well beyond that required of the managements of privately owned press service organizations, which are not restricted by the limitations imposed by complicated bylaws.

In our *individual* enterprises as members of The Associated Press we have been called upon to acknowledge,—and have acknowledged,—validity of the maxim that: "Nothing is changeless but change." In our great *common* enterprise as an "Associated Press," we have restricted our collective ability by hesitating to recognize and meet the changes, that *individually* we have acknowledged and met without hesitation.

The objects and purposes for which the present Charter of The Associated Press was granted in May 1900 were stated to be:

> *"to gather, obtain and procure by its own instrumentalities, by exchange with its members and by any other appropriate means, any and all kinds of information and intelligence; telegraphic and otherwise, for the use and benefits of its members and to furnish and supply the same to its members for publication in the newspapers owned or represented by them, under and subject to such regulations, conditions and limitations as may be prescribed by the By-Laws; and the mutual cooperation, benefit and protection of its members."*

The By-Laws of The Associated Press were adopted to implement these objects and purposes stated in the Charter. But the By-Laws haven't worked that way; and *in carrying out the objects and purposes of our association*, the Board

of Directors and the management have repeatedly found it necessary to adopt procedures required by changed conditions and circumstances.

We can best illustrate this fact by reference to the following "Note to Editors," sent to all members January 24, 1941:

> [fol. 347] The Associated Press today made the following announcement:
> Press Association, Inc., all of the stock of which is owned by the Associated Press, has been launched by the latter organization to carry on certain activities, including salvage operations, which *experience has shown* can better be handled by a subsidiary company than directly by the news association itself. It will be familiarly known as P. A.
>
> The new organization is the fourth subsidiary established and owned by The Associated Press. The first was The Associated Press of Great Britain, Ltd., which began operations, with head offices in London, in 1931. It is an administrative organization which delivers news and news pictures to England and is not to be confused with AP Bureaus abroad which gather news for use by Associated Press members in this country. The Associated Press of Germany (GmbH), was organized the same year, operating on the continent, with headquarters in Berlin. It operates a news photo service. In 1939 La Prensa Asociada (The Spanish equivalent for the name of The Associated Press) was incorporated to administer The Associated Press service in Latin America. The success that has attended operations of these subsidiary companies has entirely proved the wisdom of the procedure.
>
> P. A., among other things, will arrange for and supervise the news availability of The Associated Press news to radio. Offices of the new company will be located on a separate floor in the building at 50 Rockefeller Plaza which has come to be known popularly as "the news center of the world" since The Associated Press moved its New York headquarters to that address in December 1938 and gave its name to the building. The new company will begin operations as soon as the offices on the sixth floor of the building are ready for occupancy.

[fol. 348] The executive head of P. A. will be William J. McCambridge, formerly Assistant General Manager and Assistant Secretary of The Associated Press. Mr. McCambridge's title will be that of General Manager.

There are eight directors. Seven of them constitute the present executive committee of the Board of Directors of The Associated Press, Kent Cooper, General Manager of The Associated Press, is also a director.

Additional activities of Press Association, Inc., will be decided upon by the Board of Directors as matters progress. Broadly, the obligation of the new company will be to relieve the parent company of the administration of details not intimately part of the regular news and news photo collection and distribution for publication by Associated Press member papers.

In a statement respecting the creation of the subsidiary, Mr. Cooper said: "The complexities of news and news photo collection and dissemination in the year 1941 makes it advisable for The Associated Press to relieve itself of many activities which, while related to news and news photo collection and dissemination, are more or less extraneous to the work of furnishing news to newspapers. This does not mean that The Associated Press is delegating the actual gathering and distribution of news and news photos—its prime mission—to any other agency. On the other hand, segregation of these extraneous matters to another company will facilitate more than ever this prime function of The A. P."

In August of 1941, a desirable improvement in The Associated Press Newsphoto Service was accomplished by the purchase of all the stock of Wide World Photos, Inc., another wholly owned subsidiary. This subsidiary also has its own directors nominated by our Board and its own By-[fol. 349] Laws, and the A. P. Board holds that the operations, of Wide World service must be "in harmony" with the A. P. By-Laws.

These subsidiaries have all been acquired and their activities promoted with but one end in view,—*improvement of the service* to members with a minimum of added cost,—in other words: "promotion of the objects and purposes of The Associated Press." Through them A. P. service has

been spread all over the world, its prestige immeasurably enhanced, its news and picture service to members vastly improved, its news made available to radio.

Years ago the General Manager was authorized *"upon extraordinary occasions"* to permit the use of A. P. dispatches outside regular hours of publication. In the war of 1914-18, by this expedient, A. P. news was made available for *special editions* and *extras* printed by morning papers in the evening hours, and evening papers in the morning hours. Shortly after the outbreak of the present war, Associated Press news reports were again placed upon an EOS basis, *and at the present time the day report is fully available for morning papers, as is the night report for evening papers.* This circumstance and the undoubted desirability of its continuance for some time to come, must be considered a substantial factor in the consideration of the questions referred to us.

In the light of the history briefly sketched above, and in consideration of all available data bearing upon specific questions to which we shall refer hereafter, we submit to the membership the following recommendations:

I. Membership

Article III of the By-Laws provides (Section 1) that members may be admitted to The Associated Press "by the [fol. 350] affirmative vote of not less than four-fifths of all the regular members of the corporation" present at any regular meeting, or at a special meeting called for that purpose.

Members may also be elected by the Board of Directors under provisions of *Section 2, provided that existing rights of protest have been waived.* Section 7 defines those holding protest rights and describes the right as empowering "the member holding it to demand a vote of the regular members of the Corporation on all applications for the admission of new members" in the same field. Thus the By-Laws clearly provide a means, *by membership vote,* for the election of new members over the protest rights of member newspapers. Though the membership of The Associated Press has approximately doubled since its charter was issued in 1900, there have been but few instances where new members have been admitted by vote of the membership in fields where protest rights exist.

In the early history of The Associated Press the limitation upon admission of additional members provided by the By-Laws brought about an enhancement in the values of Associated Press memberships. In metropolitan centers Associated Press memberships were often carried on the books of member newspapers at values upwards of a million dollars; and in the early twenties, transfers of such memberships were made upon considerations well into the hundreds of thousands.

But in the last twenty years, there has been growing evidence of a decline in membership values. A number of considerations have brought about this decline, but noteworthy among them has been the same circumstance that,—in the earlier years of The Associated Press,—promoted the high [fol. 351] values attached to membership. Unwilling to acquire memberships through the cumbersome processes set up in our By-Laws, newspapers have resorted to the use of other services for their news reports. The privately owned services, prospering with this added patronage, have provided a news report which, though inferior, has often been found adequate for successful newspaper operation. In some instances, "non-member" newspapers have even demonstrated their ability to serve their communities and achieved dominant circulations, without Associated Press service. Though these results have been accomplished by superior management in other elements of the newspaper enterprise than those involving news service, the result has been the same,—*a lowering of values ascribed to our own superior service.*

We are persuaded that among the membership there is growing recognition that limitations on the availability of our news service has only served to build the effectiveness of competitive services, and is therefore undesirable.

That there are values inherent in Associated Press membership, no member will deny. There can be no question that in all instances these values have been built in large part by members themselves. The newspaper which, through adequate presentation of Associated Press news in any terirtory, has promoted public acceptance of the integrity of The Associated Press, has thereby built into its own membership some part of the intangible values which accrue with the public acceptance of any product, tangible or intangible. That these inherent values—these "prop-

erty-rights" in A. P. membership *can* (by vote of four-fifths of the membership) be taken away from any member who refuses to relinquish them for the good of *all* members—is [fol. 352] also undeniable. The framers of the original By-Laws undertook to provide means for the protection of the interests of the *whole* membership against those of the *individual*. The method they devised has not withstood the pragmatic test—it hasn't worked. Now only by amendment of the By-Laws can the needed *protection for all members be accomplished*.

It is the opinion of our committee that the provisions of Article III should be amended to take recognition of the desirability of admission to membership of those otherwise qualified and prepared to pay for demonstrated values of membership; recognizing at the same time the need to retain for members holding protest rights the values reasonably to be ascribed to their rights.

To accomplish this purpose we submit amendments to Article II and Article III and other articles of the By-Laws which we believe provide:

1. A standard and uniformly-applied method of recognition of the values of A. P. membership, based upon the amount of the assessments theretofore paid in the area in which the membership is located, together with such other legal and equitable standards as the Board may determine.

2. Payments by the applicant for membership to The Associated Press for the benefit of members in the area whose service and assessments have contributed to the values recognized by the right of protest as defined in the By-Laws.

3. For the election of new members by a majority of the membership present in person or by proxy in annual or special meeting called for such purpose; or by the Board of Directors; *provided only* that payment by the applicant has been made as above provided.

[fol. 353] Hours of Publication

At the Annual Meeting, April 21, 1941, a "Special Committee on Hours of Publication" recommended adoption of a change in hours of publication as provided in Article VII of the By-Laws dealing with "Rights and Privileges of Members." Proxies were collected from the membership in advance and after vigorous debate the recommended

amendment was adopted by a majority vote. The amended hours for publication of "morning papers" were fixed from 7:00 P. M. to 9:00 A. M. and those for "afternoon papers" from 9:00 A. M. to 7:00 P. M.

Among the replies to your committee's request to the members was one requesting that this amended By-Law be further revised to provide for morning paper publication from 8:00 P. M. to 8:00 A. M. and evening publication from 8:00 A. M. to 8:00 P. M. Some fifty afternoon papers wrote to your committee favoring this revision, and the arguments presented in these letters have had our full consideration.

The communications we have received as well as the arguments presented in the debates over the "Rights and Privileges of Members" during the past two annual meetings convinced us that this whole Section of the By-Laws was deserving of close scrutiny and careful consideration. We doubt if any division of hours can be devised under existing conditions, which will be satisfactory to both "morning" and "afternoon" newspapers. This is true particularly where evening papers publish "non-member" Sunday editions. We have concluded that the problem of division of hours, and the problem presented by papers holding "afternoon" memberships and publishing "non-member" Sunday editions, are so alike in character that they must be treated together.

[fol. 354] When the present charter of The A. P. was issued and its original By-Laws adopted, "morning newspapers" were published (i. e., made available to the public and placed on sale) *in the morning*, afternoon newspapers were published *in the afternoon*, and Sunday papers *on Sunday*. Hours of morning and evening publications were so generally accepted that it was not found necessary anywhere in the By-Laws to define what was meant by "morning" or by "afternoon" papers. This fact accounts for much of the difficulty we believe exists today.

Weekday "morning" papers are now frequently printed and on sale as early as six o'clock in the afternoon preceding the morning whose date they bear; "afternoon" papers are available to purchasers as early as 8:30 A. M.; many Sunday newspapers are on sale the preceding Wednesday everywhere except in the city of publication, and there in mid-afternoon Saturday. The "hours of publica-

tion" of these newspapers are now fixed in the By-Laws with some recognition of the change in member concepts of "morning" and "afternoon"; but the *actual hours of publication* of members' newspapers vary all over the dial. The "extra" for which the By-Laws in 1911 provided EOS news service has practically disappeared. Every day is extra—a fact wisely recognized by the Board in its present provision for EOS—extraordinary service every extraordinary day—and every day "extraordinary."

Removal of the restrictions imposed upon A. P. management concerning the sale of radio, by action of the membership at its annual meeting in 1939, has contributed a factor which, we believe, is clarifying membership thought in interpreting publishing restrictions which we have imposed [fol. 355] upon ourselves. It was to implement availability of A. P. news to radio that Press Associations, Inc., hereto-referred to, was organized as an Associated Press subsidi- fore referred to, was organized as an Associated Press subsidiary. We adjusted *news broadcasting* to the pressure of *news publication* (the primary purpose for which we are associated together) to the realities.

Under the By-Laws as amended last year morning papers received The Associated Press "night report" for publication from 7:00 P. M. to 9:00 A. M.; afternoon papers the "day report" for publication from 9:00 A. M. to 7:00 P. M. But both morning and afternoon papers may receive either the day or night report for *broadcasting purposes* twenty-four hours a day. Members may themselves *broadcast* news during their "non-member hours," or even sell the broadcasting rights to sponsoring advertisers.

We have created a paradox in which an advertiser, one with no interest in the validity of the news broadcast, a complete "outsider," may acquire the benefits of our Associated Press news facilities, and publish the news by radio *during hours in which the publisher member himself is forbidden to use his own presses. We penalize ourselves* if we use the mechanical facilities in which we have made heavy investments, *and reward ourselves*, or others, for publishing the same news with our own or someone's else radio equipment.

The Associated Press was primarily *an organization of printers.* Our members employ thousands in the printing and allied crafts. With complete lack of logic in the hand-

ling of our own associated interests, we impose inhibitions upon our great printing enterprises and discourage the use of our traditional plant equipment. In making an adjustment to the always shifting social and competitive scene, we have sped the obsolescence of our own capital assets.

[fol. 356] We have found inescapable the conclusion that the modernization of our By-Laws involves recognition of the facts that our members should be given means to enjoy the opportunity to receive and use Associated Press news reports for *printing* on some basis similar to that by which we have made them available for *broadcasting*. The suggested amendments are designed for that purpose.

All the arguments pertinent to existing difficulties in restricting publication hours of morning and afternoon papers apply with equal force to the Sunday newspaper situation.

Recognizing the validity of the tradition that there are established values in Associated Press memberships, unquestionably the values of those memberships are affected by the value of Associated Press prestige and efficiency in comparison with the prestige and efficiency of privately owned competitive news services. And when the business of The Associated Press is handled in a manner directly calculated to build the prestige and efficiency of rival organizations, the value of Associated Press memberships is bound to decline.

Instances have multiplied in which six-day afternoon papers have been forced to realize that Saturday,—a full work day in 1900, and almost universally a half-holiday in the last decade,—has become a whole holiday for millions of workers. Saturday issues of afternoon papers in almost all cases and in almost all communities have been published at a loss. As a result afternoon papers, members of The Associated Press, have found it necessary to publish technically "non-member" editions on Sunday,—both to reach their afternoon readers on equal terms with Saturday afternoon editions of *Morning-Sunday papers*,—and to meet the competition of radio broadcasts of local and A. P. news on Sunday.

[fol. 357] Under the existing By-Laws afternoon members are denied the right to utilize the service of The Associated Press for Saturday night service for use in Sun-

day editions. They may broadcast A. P. news service during forbidden Sunday publication hours, but they can't put it on their presses. Here also the result of By-Law restrictions has been constant accretion to the revenues of competing news services and constant loss of prestige and competitive values to The A. P. To make it possible for members of The Associated Press owning Sunday "non-member" newspapers to acquire the right to publish the Sunday report, we have suggested amendments to Article VII of the By-Laws. These amendments provide a method by which the Sunday reports shall be made available to *members* owning afternoon papers upon payment by such members (to those now entitled to protest rights in the Sunday field) and payment of the Sunday assessment, in substantially the same manner as is provided by the amendments to Article II of the By-Laws for *new members to* acquire such rights.

Board of Directors

It was suggested by several members that amendment should be made to the By-Laws limiting the number of successive terms to be held by Directors and providing for better geographic distribution of the residences of Directors. We have hesitated to suggest an amendment to limit the number of a director's successive terms. That valuable service has been rendered by the present Board of Directors; that the administration of our Association's affairs has been ably conducted by the Directors in the past, we do not question. But we do believe that reasonable provision to provide for changes in the constitution of [fol. 358] the Board from time to time without destroying reasonable continuity of service will increase the interest of the membership in the annual elections, decrease the reluctance of members to submit their candidacies for membership on the Board, and insure for the future the high quality of director's service that good fortune has brought in the past.

We are submitting amendments to Article V of the By-Laws to accomplish this purpose.

Other Amendments

In the replies to our letters to members, we receive a number of valuable suggestions for amending the By-Laws.

all of which we have considered. Among them was a suggestion that the method of amendment as provided by the By-Laws is unduly restrictive. With this we agree, and accordingly we have proposed an amendment making possible By-Law amendments without the necessity of the four-fifths vote required in the present By-Laws.

It has been suggested that the Board of Directors should have the power to relieve from their assessments members who are forced to suspend because of causes beyond their control. We have prepared an amendment to empower the Board to permit continuance of memberships where publication is temporarily found by the Board to be beyond a member's control.

Conclusion

In addition to the suggestions for amendments to the By-Laws upon which we have based recommendations in the foregoing section of our report, we received a number of suggestions calling attention to the need of clarification in the language of a number of By-Laws not otherwise requiring amendment. A number of the By-Laws could [fol. 359] readily be made more clearly applicable to existing conditions.

It has been the practice of the management to issue new pamphlets whenever the By-Laws or Charter provisions have been amended; and some twenty-seven of these issues have been printed and distributed to the membership since The Associated Press' organization. In our study, we have frequently been brought to face the fact that only in the bound volumes of the annual proceedings of The Associated Press is it possible to find recorded the history of The Associated Press' present By-Laws and of their amendment through the years.

We earnestly recommend to the Board of Directors the wisdom of preparing a completely codified history of the Association's charter amendments, By-Law amendments and resolutions of the Board and of the membership in annual meetings. These documents represent not only the rules governing the relationships of members with their Association (problems about which questions frequently arise in the offices of all members) but they provide a history of the growth of what has become the world's greatest newsgathering organization. It is in the interest of every

member of the Association to have available at all times a thorough codification of rules so important in the administration of his newspaper.

We should not conclude this report without taking cognizance of circumstances in connection with our proposals for broadening the opportunity of the acquisition of Associated Press memberships, which have arisen since its preparation was commenced.

Members of The Associated Press, in common with those engaged in all other enterprises throughout the country, [fol. 360] are becoming increasingly aware that changes have taken place within the last decade in the judicial interpretation of the "rights of property." Whether members sympathize with more recent decisions of the highest courts or not, the fact remains that recent judicial interpretation has recognized new meanings in old laws, and upheld the validity of new laws imposing new obligations upon "private property." The obligations of the members of The Associated Press toward applicants for membership may hardly be expected to be freed of the implication of what may seem to many to be a new philosophy.

We do not assert that these considerations should be controlling of the action of members in the thinking of members about amendments that we have suggested. But unquestionably they may well be considered in directing the attention of members to the importance of the attention to which we believe these amendments are entitled. Probably in no period of the history of The Associated Press has the need of scrutiny of our relations by all of our members been as apparent as now.

Appended are the By-Laws amended in accordance with the suggestions herein outlined. So that our proposed amendments may be considered in connection with the provisions of the existing By-Laws, we have printed the existing By-Laws in full in the second column, indicating in CAPITAL LETTERS any portions omitted in the amendments. In the first column we have indicated our amendments in each case by the use of CAPITAL LETTERS.

Respectfully submitted, John S. Knight, Chairman, Detroit Free Press; S. E. Thomason, Tampa (Fla.) Tribune; Chas. P. Manship, Baton Rouge

[fol. 361] (La.) State Times; Howard C. Rice, Brattleboro (Vt.) Reformer; Frank E. Gannett, Rochester (N. Y.) Times-Union; Oscar Stauffer, Arkansas City (Kans.) Traveler; Norman Chandler, Los Angeles (Calif.) Times; Arthur Hays Sulzberger, New York Times; Curtis B. Johnson, Charlotte (N. C.) Observer; Special Committee for Revision of the By-Laws.

[fol. 362] EXHIBIT No. 25

In a letter dated May 26, 1942, as modified by a letter dated July 1, 1942, the Department of Justice requested:

> A statement of the total amount of the regular assessments received by Associated Press from members in the field (morning, evening, and Sunday) during the period from October 1, 1900, to date, and also the current annual regular assessments received by Associated Press from all members, in the 10 largest cities in the United States.

The compilation of these figures has required a great deal of work, but the data is now compiled for five of the cities in question, and this data is given hereunder. Work on the figures for the other cities is in progress.

In the tables given below, "A. M." gives the assessments in the morning field, with which the Sunday field is here included, and "P. M." gives the assessments in the evening field.

In view of the fact that no membership application under the By-Laws as amended has been received, the "current annual regular assessment" has not been defined by the Board of Directors. The tabulation hereunder embraces:

(1) A statement of the total amount of the current weekly drafts received by Associated Press from members in the field—morning, evening, and Sunday—during the period from October 1, 1900, to July 1, 1942.

[fol. 363] (2) The current amount which members are assessed in the cities in question, based on the current weekly draft which includes news services and other obligations.

Assessments paid by members in the following cities, from October 1, 1900, through June 30, 1942, in the respective fields are as follows:

Cities	A. M.	P. M.
New York	$8,234,338.21	$5,750,034.93
Chicago	3,342,504.61	3,423,103.54
Detroit	1,527,896.82	1,546,068.63
Los Angeles	2,281,268.15	1,347,098.02
St. Louis	1,823,234.15	1,868,822.32

The present annual assessments paid by members in the following cities in the respective fields, are as follows:

Cities	A. M.	P. M.
New York	$477,380.91	$365,001.07
Chicago	138,877.30	198,590.77
Detroit	91,309.97	100,234.22
Los Angeles	164,422.08	85,550.79
St. Louis	77,974.43	90,600.83

[fol. 364] EXHIBIT No. 26

In a letter dated May 26, 1942, as modified by a letter dated July 1, 1942, the Department of Justice requested:

> A statement of the total amount of the regular assessments received by Associated Press from members in the field (morning, evening, and Sunday) during the period from October 1, 1900 to date, and also the current annual regular assessments received by Associated Press from all members, in the 10 largest cities in the United States.

On August 3, 1942, the figures were furnished for five of the cities in question: New York, Chicago, Detroit, Los Angeles, and St. Louis.

The data has now been compiled for the five other cities requested, and also for the City of Washington, this last being added in accordance with a supplemental request of the Department of Justice.

The figures given below are compiled on the same basis as those furnished on August 3, 1942. Attention is again called to the fact that, as no membership application under the By-Laws as amended has been received, the "current annual regular assessment" has not been defined by the Board of Directors.

Assessments paid by members in the following cities from October 1, 1900 through June 30, 1942, in the respective fields are as follows:

Cities	A. M.	P. M.
Baltimore	$1,691,637.79	$1,486,581.29
Boston	2,536,801.56	2,189,179.24
Cleveland	1,448,656.32	1,314,741.82
Philadelphia	2,867,193.45	2,881,152.64
Pittsburgh	1,885,988.70	1,476,064.07
Washington, D. C.	1,189,300.77	882,931.98

[fol. 365] The present annual assessments paid by members in the following cities in the respective fields, are as follows:

Cities	A. M.	P. M.
Baltimore	$69,733.25	$97,749.61
Boston	112,253.15	103,341.94
Cleveland	66,907.11	68,187.22
Philadelphia	130,391.94	142,639.40
Pittsburgh	63,901.08	61,731.93
Washington, D. C.	61,473.83	60,991.50

August 10, 1942.

[fol. 366] EXHIBIT No. 27

Estate of Marshall Field

Marshall Feld, George Richardson, Continental Illinois National Bank and Trust Company, Trustees.

135 South LaSalle Street,
Chicago, September 24, 1941.

Robert McLean, Esquire, President, The Associated Press, 50 Rockefeller Plaza, New York, New York.

DEAR SIR: As soon as practicable, I will begin the publication in Chicago, Illinois, of a morning newspaper in the English language. The name as yet has not been determined. According to present plans, I shall be the sole owner of the newspaper and Mr. Silliman Evans will be its publisher. I desire to obtain for this newspaper the news service furnished by The Associated Press to its regular members owning and publishing morning newspapers and the regular wire-photo service of The Associated Press. Accordingly, pursuant to the By-Laws of The Associated

Press, I hereby apply for a regular membership in The Associated Press on behalf of the above-mentioned newspaper and I ask that this application be granted and that the news service of The Associated Press and the wirephoto service of The Associated Press be furnished to the above-mentioned newspaper from and after the date upon which publication is commenced.

[fol. 367] I shall be glad to furnish any additional information you may desire in connection with this application for membership and, if it is your practice to require any particular form of membership application, I shall be glad to execute such form.

Very truly yours, Marshall Field.

MF:EW.

Received by Registered Mail, Return Receipt Requested Via Air Mail, Special Delivery 9/25/41.

[fol. 368] EXHIBIT No. 28

September 25, 1941.

Mr. Sillimian Evans, 1260 Field Building, Chicago, Illinois.

DEAR MR. EVANS: In conformity with our telephone conversation today and in connection with M. Marshall Field's letter of September 24, I enclose application papers which should be executed and returned to me.

Sincerely yours, Kent Cooper.

K

Enc.
Copy to Mr. Marshall Field.

[fol. 369] EXHIBIT No. 29

ANDover 5656

Silliman Evans

In the Pre-Publication Office of the Chicago Morning Newspaper, Suite 1260—Field Building—135 S. La Salle Street, Chicago, Illinois

Sept. 26, 1941.

Mr. Kent Cooper, Vice Pres. & Gen. Mgr., Associated Press, 50 Rockefeller Plaza, New York, N. Y.

DEAR KENT:

I am enclosing herewith formal application of Mr. Marshall Field for membership in the Associated Press and his blanket proxy authority. I will appreciate its early submission to the Board of Directors.

With kind personal regards, I am

Sincerely, Silliman Evans.

SE:ks. 2 enc.

[fol. 370] EXHIBIT No. 30

The Associated Press, Incorporated Under the Laws of the State of New York

Application for Membership and Proxy to Sign Membership Roll and By-Laws

(to be designated later)

The undersigned, the sole owner of (Name of Paper)

Morning

a newspaper published in

Morning, Evening or Sunday

English Chicago, Illinois

the language in the City of

(Lauguage) (Place of Publication)

does hereby apply for membership in THE ASSOCIATED PRESS and signature hereto witness — my agreement fully its

to qualify by beginning service, if elected, not later than Jan. 15, 1942

in full conformity with the By-Laws of
Robert McLean
THE ASSOCIATED PRESS,* and hereby appoints
(Name of Proxy)

my me my
— lawful attorney, agent and proxy, for — and in — name
its it its
and behalf, to sign the Roll of Members of THE ASSOCIATED PRESS, and in writing to assent to its Certificate of Incorporation and to its By-Laws, with the same force and effect
I
as — might do personally.
it

my 26th Sept.
Witness Hand and Seal this day of 1941.
(Name of Owner of the Newspaper Specified in the above Application and Proxy) Marshall Field (Signature of Qualified Officer). (Seal.)

[fol. 371] The Associated Press, Incorporated Under the Laws of the State of New York

Authority

The undersigned, a member of The Associated Press and the owner of hereby designates
(Name of Paper)
Silliman Evans
to represent it as such member
(Name of Individual)
in all respects specified in the By-Laws of THE ASSOCIATED PRESS until further notice.

Marshall Field (Signature of owner of newspaper specified). (Seal.)

Dated Sept. 26, 1941.

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* This proxy may be signed in blank, or either of the following named gentlemen will serve as proxy if desired. Robert McLean, Kent Cooper, Lloyd Stratton.

[fol. 372] EXHIBIT No. 31

October 2, 1941.

(Air Mail)
Mr. Silliman Evans, Field Building, Suite 1260, 135 S. La-Salle Street, Chicago, Illinois.

DEAR SILLIMAN EVANS:

As Mr. Cooper has been daily engaged with the Board of Directors, please let me acknowledge receipt of the application of Mr. Marshall Field for membership in The Associated Press.

Mr. Cooper had expected to communicate with you, but as there was no further information that he could give you, it was necessary to wait until the matter came to the attention of the Board, which occurred only today.

The Board received the application, but upon inquiry learned that membership interests of other Chicago members were involved. There being no waivers of these interests attached to the application, the Board found that under the By-Laws it did not have authority to act and therefore the application must be referred to the next Annual Meeting of the membership, which will be held April 20, 1942, in New York.

With personal good wishes, I am
Sincerely yours, Lloyd Stratton, Assistant Secretary.

K (nm) cc Mr. Hackle—Chicago.

[fol. 373] EXHIBIT No. 32

Two Fifty-Park Avenue,
New York, October 24, 1941.

Mr. Kent Cooper, Vice-President and General Manager, Associated Press, 50 Rockefeller Plaza, New York, N. Y.

DEAR MR. COOPER:

I understand that you conferred with Mr. Silliman Evans this morning concerning my application for membership in the Associated Press and in your conference reviewed the status of that application and the steps which I have taken in connection therewith. As a result of your talk,

Mr. Evans suggested that I write you a letter summarizing my position in regard to the application, and this letter is sent forward to you pursuant to that suggestion.

As you know, I am proposing to establish in Chicago a morning newspaper in the English language. I shall own the paper and Mr. Evans will be its publisher. Recognizing the unique and exclusive facilities of the Associated Press, I feel it absolutely necessary to acquire an AP membership in order that the contemplated newspaper shall be in a position to serve the interests of the people of Chicago with maximum effectiveness and shall be able to compete with other newspapers having AP services.

With this end in view, and under date of September 24th, I formally applied for membership in the Associated Press on behalf of the proposed new newspaper, addressing my letter to Mr. Robert McLean, President of the Associated [fol. 374] Press. Under date of September 26, 1941 this letter was forwarded to you with a covering letter addressed to you by Mr. Evans. Under date of October 2, 1941, Mr. Lloyd Stratton, Assistant Secretary of the Associated Press, replied to Mr. Evans' letter in a communication reading in part as follows:

> "The Board received the application but upon inquiry learned that membership interests of other Chicago members were involved. There being no waivers of these interests attached to the application, the Board found that under the By-Laws it did not have the authority to act and therefore the application must be referred to the next annual meeting of the membership which will be held on April 20, 1942 in New York City, New York."

The receipt of Mr. Stratton's letter seemed to me to defer any possibility of my becoming a member of the Associated Press until after April 20, 1942. In view of the fact that I propose to begin publication of the new paper within the next few weeks, such a delay entails the most serious consequences. To begin publication and to seek the support of the public without the benefit of Associated Press facilities is perhaps to risk the entire future of the enterprise since the initial reader reaction to a newspaper may well be determinative of its situation over a long period. Moreover, when I announced the publication

of this paper I led the people of Chicago to believe that it would be in all respects a standard and complete newspaper; my performance cannot and must not fall short of my promise. Finally, the postponement of action on the application until April 1942 may well constitute more than a postponement; there is no assurance under your by-laws, as I understand them, that I will be elected to membership [fol. 375] at that time and consequently I cannot at the outset or at any time assure my readers that in due course the paper will have the benefit of all the standard press services available to other papers. It is these factors, among others, which have been causing me such grave concern.

In the light of the foregoing, immediately upon receipt of Mr. Stratton's letter Mr. Evans and I consulted my attorney, Mr. Louis S. Weiss, of 61 Broadway, New York, to obtain his opinion in the premises. He undertook to study the matter and under date of October 23, 1941, wrote a letter to Mr. Evans, a copy of which I enclose herewith. I am forwarding this copy to you in compliance with the request made to Mr. Evans by you at your conference this morning.

Mr. Evans advises me that there is likely to be a meeting of the Executive Committee of the Board of Directors of the Associated Press within the next week, at which the matter of my application for membership will be further considered. I shall greatly appreciate it if you will advise me with the utmost promptness of any action taken by the Executive Committee in this regard. The impending commencement of publication of the new newspaper makes it vital that I know the position of the Associated Press at the earliest possible moment. I need hardly add that if either Mr. Evans or I or both can be helpful to you either before or at the coming meeting of the Executive Committee, we shall hold ourselves at your disposal.

Very truly yours, (S.) Marshall Field.

[fol. 376] EXHIBIT No. 33

(Copy)

October 23, 1941.

Mr. Silliman Evans, 135 South LaSalle Street, Chicago, Illinois.

DEAR MR. EVANS:

You have asked my opinion as to whether the Associated Press, a New York membership corporation, in its refusal to permit any non-member access to the facilities of the association on the same terms with its members, is violating the Sherman or Clayton Acts. You have furnished me with data leading to the following conclusions: that the AP is unique among newsgathering agencies, and the greatest of them all; that no metropolitan daily can function with maximum effectiveness without access to those news-gathering facilities.

The 1941 bylaws of the Associated Press (AP) disclose that:

If a person purchases a newspaper that already has an AP membership, such person has an absolute right to membership in the AP regardless of his character, ability, location, or financial standing. On the other hand, a person not owning such a newspaper, and intending to establish a new newspaper, must, to be admitted to membership, receive the votes of 4/5ths of the members of the association unless the so-called right of protest is waived, in which event he may be admitted upon vote of the Board of Directors. The members holding such right of protest include specifically those with whom the new newspaper would compete.

[fol. 377] The determination to admit to membership, whether by the Board of Directors or by the members, is purely an arbitrary matter not based on any established requirements. Indeed, the provisions governing admission are worse than arbitrary since they are so constructed in certain aspects as to aid member newspapers in keeping out potential competitors.

In my opinion a reading of the by-laws in connection with the assumptions stated above and against the background

of authoritative court decisions, leads to the following conclusions:

(1) The AP is engaged in interstate commerce.

(2) So long as the structure of the AP permits the exclusion from the use of its facilities of existing or future newspapers, arbitrarily, or if not arbitrarily, for the benefit of competitors within the association, it constitutes a contract or combination in restraint of trade and an attempt to monopolize a part of the trade or commerce among the several States or with foreign nations.

Such a power is particularly subject to criticism when it is directed against newspapers, for the public interest requires that new newspapers should come into the field. Judicial decisions as well as legislation passed on in the various States requiring that press associations serve all who demand their services without discrimination reflect that public interest. The AP itself has in its published statements stressed its "public importance." The American conception of freedom of the press can have its full fruition only if new newspapers can freely enter the field and effectively compete with those already in it.

(3) The right of an association to select its own members—the right of a person to refuse his products to whomever he chooses—is no answer to the charge that an asso- [fol. 378] ciation of newspapers is restraining competition and tending to monopolize a portion of the field of commerce.

(a) The Supreme Court has authorized the award of treble damages to a non-member of an association, the by-laws of which arbitrarily authorized his exclusion, where the effect of his non-admission to membership was to cut him off from sources of supply.

(b) Where some, but not all of the members of an industry have been associated together in the control of facilities needed by all members, the Supreme Court has permitted the continuance of the association only upon the condition that it reconstruct its structure so as to admit all the interested persons to the control of those facilities on equal terms.

(c) The Supreme Court has restricted an association of manufacturers holding a commanding position in an industry—though by no means controlling the entire industry—from taking the law in its own hands to the injury of persons not belonging to it and not abiding by its ideas.

(d) Numerous cases have been decided by the Supreme Court wherein the federal anti-trust laws have been held to be violated by trade associations which have not gone so far as to exclude from their facilities persons needing them, but merely to impose burdensome conditions upon their use.

(e) The fact that a trade association does not have complete monopoly or that there are substitute facilities available has been held no answer to the charge that a trade association has violated the federal anti-trust laws by excluding persons from the facilities of its members or by imposing burdensome restrictions upon the use of those facilities.

I conclude that the power given to the members of the AP under its by-laws to exclude persons from its unique facili-
[fol. 379] ties arises from a continuing contract and combination in restraint of interstate commerce which is in violation of the Sherman and Clayton Acts. I have reached this conclusion with full knowledge of the contrary opinion rendered by United States Attorney General Gregory in 1915 at a time in our national life when the concepts of public interest and restraint of trade had not been developed in the manner and to the extent now prevailing.

Very truly yours, (Signed) Louis S. Weiss.

LSW/BK

[fol. 380] EXHIBIT No. 34

Marshall Field, Founder. Silliman Evans, Publisher. Rex Smith, Editor.

The Chicago Sun, The New Morning Newspaper, 400 West Madison Street, Chicago, Illinois

Andover 4800

December 8, 1941.

Mr. Robert McLean, President, Associated Press, % The Bulletin, Philadelphia, Pa.

DEAR MR. MCLEAN: May I not inquire if it is not true that the Associated Press did sell or offer to sell wire photo service to non-member papers in the early development of the wire photo service? I am advised that in cities in which a member did not desire wire photo service in the first few months it was offered by the Associated Press and in some instances sold to non-members.

The Associated Press recently purchased The Times Wide World photo service from the New York Times. This was the only wire photo service independent of press association ownership. You are still serving several papers, I am advised, who had contracts with Times Wide World. I am now requesting of you, if you can do so, the Times Wide World photo service.

Sincerely, Marshall Field.

[fol. 381] EXHIBIT No. 35

January 28, 1942.

Mr. Silliman Evans, Publisher, The Chicago Sun, Chicago, Illinois.

DEAR MR. EVANS: When you were in New York you inquired as to the status of the application of The Chicago Sun for membership in The Associated Press. I told you on the telephone at that time that the Board was still in session and I was unable to add anything to the information previously conveyed to you.

Since the application of The Sun was not accompanied by waivers, the Board is still in a position where it is unable to elect and the application is therefore referred to the annual meeting in accordance with notification which went to you before. In accordance with a provision of the By-Laws notice of the application is to be sent out to the full membership list at the time that notice of the meeting goes to them, that is, at least thirty days before the annual meeting. Vote at the annual meeting may be in person or by proxy. In previous cases when applicants have desired and sought admission they have industriously set about obtaining proxies in favor of the application.

The Board and members thereof, no matter how much they might favor the admission of the member, have not been and are not in a position to function in the matter of getting proxies for such a purpose. It is something which the applicant has to do for himself. In this connection the Secretary is authorized to furnish to you for that purpose both a list of the members and the form of proxy [fol. 382] heretofore used in an effort of this kind. If you wish these you can communicate directly with Mr. Cooper.

Yours very truly, Robert McLean.

Robert McLean, President.

[fol. 383] EXHIBIT No. 36

Marshall Field, 400 West Madison Street, Chicago

March 7, 1942.

Mr. Lloyd Stratton, Assistant General Manager, The Associated Press, 50 Rockefeller Plaza, New York, N. Y.

DEAR MR. STRATTON: You will find enclosed a letter, which I have sent to the members of The Associated Press, and the proxy in the form which you sent me. I have attempted to comply with all the rules, regulations, and practices of The Associated Press, both in the application for membership and in the proxy solicitation.

You, as secretary of The Associated Press, are familiar with the application and the proxy forms. As you know, I am not a member of The Associated Press and I realize that you have authority only to pass on the form, but may I

ask if I have entirely complied with the rules and regulations, and if my application is now in the proper and legal form?

Sincerely, (Signed) Marshall Field.

Enclosure

[fol. 384] EXHIBIT No. 37

Marshall Field, Founder. Silliman Evans, Publisher. Rex Smith, Editor.

The Chicago Sun, The New Morning Newspaper, 400 West Madison Street, Chicago, Illinois

Andover 4800

March 5, 1942.

As the owner of The Chicago Sun, I have applied for membership in the Associated Press.

Under the by-laws of the Associated Press, its board of directors found itself unable to vote on my application because I was unable to file with the application appropriate waivers of the right of protest. Consequently, the application has been referred for action to the annual meeting of members and I am told that a vote on the application will be taken at that time.

Pursuant, I understand, to the regular practice of the Associated Press in like circumstances, it has been suggested that it would be appropriate for me to request proxies from the members in support of my application and, to that end, the Secretary has made available to me both a list of the members and the form of proxy to be used. In the circumstances, I have felt free to send you this letter.

The Chicago Sun is, I believe, the only standard size exclusively morning newspaper in the United States published in a city of over 100,000 population which is without an Associated Press membership. That is a matter of vital importance to The Chicago Sun and to the people of the [fol. 385] Middle West who it is seeking to serve. Its membership in the Associated Press will enable it to more properly and more adequately fulfill its function to the public.

In the light of the foregoing, my duty, as I see it, is clear. I have made every possible effort to obtain for the readers

of the Sun the facilities which only the Associated Press provides, including an attempt in good faith, which has proved fruitless, to purchase an existing Chicago morning membership. I must and will continue to make every such effort. That being so, I am enclosing herewith a proxy in support of my application for membership and I very earnestly and respectfully ask you to sign (whether or not you intend to be present in person at the annual meeting) the proxy in the space indicated therefor and to return it to me % The Chicago Sun, Chicago, Illinois. I shall appreciate very much your support.

Sincerely, (Signed) Marshall Field.

Enclosure.

[fol. 386] EXHIBIT No. 38

Times Herald, Washington, D. C.

Eleanor Patterson

November 3, 1941.

The Associated Press, 50 Rockefeller Plaza, New York, N. Y.

Attention: Mr. Kent Cooper, Secretary

GENTLEMEN: Pursuant to the By-Laws of The Associated Press, the undersigned, Eleanor M. Patterson, hereby applies for regular membership in The Associated Press for the afternoon editions of the Washington Times-Herald, a newspaper printed in the English language, published in the City of Washington, District of Columbia. The undersigned expects, under the membership hereby applied for, to receive from The Associated Press a service of news, six days a week, for publication in the afternoon editions of said newspaper, as provided in the By-Laws of The Associated Press.

The undersigned is the sole owner of the newspaper for which this application for membership in The Associated Press is made. The undersigned will file with the Secretary of The Associated Press such proof as may be required by its Board of Directors of the sole ownership of said newspaper by the undersigned.

If and when the undersigned is elected to membership for said newspaper, the undersigned, for said newspaper, will

sign the roll of members of The Associated Press in person and will in writing assent to the By-Laws of the Associated [fol. 387] Press and agree to be bound thereby and by any amendments thereto, which may be thereafter regularly adopted.

The undersigned undertakes to supply any additional information she may be required to supply, and to perform any further conditions of the By-Laws of The Associated Press. Accordingly, should this application be deemed by the Board of Directors of The Associated Press to be insufficient or incomplete in any respect, the undersigned requests that she be notified immediately.

The undersigned asks that this application be acted upon as expeditiously as is permissible under the By-Laws of The Associated Press.

Very truly yours, Eleanor Patterson, Sole Owner, of the Washington Times-Herald.

[fol. 388] EXHIBIT No. 39

Times-Herald, Washington, D. C.

Eleanor Patterson

April 8, 1942.

Mr. Robert McLean, Philadelphia Evening Bulletin, Philadelphia, Pa.

DEAR MR. MCLEAN: I am the sole owner of the Washington Times-Herald, a newspaper published all day, six days a week, and on Sunday mornings. For the six months' period ending September 30, 1941, the Times-Herald reported to the Audit Bureau of Circulation an average net paid circulation of 209,105 daily and 210,925 Sunday—by far the largest in Washington. The report to the ABC for the period ending March 31, 1942, will show an average net paid daily in excess of 220,000 and Sunday in excess of 225,000, still by far the largest circulation in the Capital.

On November 3, 1941, I applied to The Associated Press for a regular morning seven-day membership and a regular afternoon six-day membership on behalf of the Times-Herald. Enclosed is a proxy which I hope you will sign and return to me so you may be counted in my favor on these applications.

The Washington memberships in The Associated Press are now divided as follows:

1. The Washington Post, a morning and Sunday newspaper, has a seven-day membership.

2. The Washington Star, an evening and Sunday newspaper, has both a six- and a seven-day membership. The [fol. 389] Star does not use its daily morning membership. The Star does not pay for that daily morning membership.

On the basis of the latest estimates by the U. S. Census Bureau, the population for the metropolitan district of Washington is now in excess of 1,000,000. I am sure you will agree this figure will grow greater, and remain greater, for Washington has become literally the Capital of the world.

It seems to me insufficient that Washington should be served by only one morning and one afternoon Associated Press membership. It seems to me unfair that the Washington Star's unused, non-contributing membership in The Associated Press should have protest rights against my application for membership. I believe you, as a member of The Associated Press, would receive added news protection by having the largest daily and Sunday newspaper in Washington a contributor to The Associated Press.

The Star and the Post have declined to say whether they will waive their protests. I, therefore, ask you to sign and return to me the enclosed proxy, which would be used if my applications for membership in The Associated Press come before the members for a vote.

Very truly yours, Eleanor Patterson, Editor and Publisher, The Washington Times-Herald.

[fol. 390] EXHIBIT No. 40

Agreement made this 25th day of July 1941, by and between The New York Times Company, a New York corporation, having its place of business at 229 West 43rd Street, New York, N. Y., hereinafter called the "Times," The Associated Press, a New York corporation, having its place of business at 50 Rockefeller Plaza, New York, N. Y., hereinafter called "Associated," and Wide World Photos, Inc., a New York corporation, having its place of business

at 229 West 43rd Street, New York, N. Y., hereinafter called "Wide World."

Witnesseth:

The Times owns the entire capital stock of Wide World and Associated is desirous of acquiring the news photograph and picture business of Wide World in North, Central, and South America and in the territories and possessions of the United States and in connection therewith the right to use the name "Wide World" and the descriptive term "Wired Photo."

Now, therefore, in consideration of the premises and of the mutual promises hereinafter contained, the parties hereto hereby agree as follows:

1. The Times will sell to Associated and Associated will purchase from the Times all the issued and outstanding capital stock of Wide World for the sum of $250,000. Delivery of said stock duly endorsed for transfer, with stock transfer stamps affixed, and payment of $50,000 on account of the said purchase price, shall take place contemporaneously on July 31, 1941, at two o'clock in the afternoon, Eastern Daylight Saving Time (hereinafter called the "time of [fol. 391] closing"), at the offices of the Times at 229 West 43rd Street, New York City. The balance of the said purchase price shall be paid in four equal installments of $50,000 each, payable without interest on August 1, 1942 and on each August 1st thereafter until the full amount of the purchase price has been paid. Associated may, at its option, anticipate said payments and make full payment at any time. At the time of closing, the Times will also deliver or cause to be delivered to Associated written resignations effective forthwith from all the present officers and directors of Wide World. Associated undertakes to cause Wide World, as soon as convenient after the time of closing, to execute and deliver, pursuant to due corporate authority, general releases in favor of the present officers and directors of Wide World.

2. Prior to the time of closing, Wide World will have divested itself of all its assets (including, without limiting the generality of the foregoing, its trade-mark registrations of the name "Times Wide World," its patents and patent rights and its contracts with Austin G. Cooley, dated September 4, 1935, as heretofore amended, with the West-

ern Union Telegraph Company, dated October 28, 1938, and with American Telephone & Telegraph Company, dated September 30, 1938), excepting the news photograph and picture business now and heretofore carried on by Wide World under the name "Wide World" or any other name and the good will of the said business, including its trademark registrations of the name "Wide World," its list of customers, and its contracts with subscribers to its picture service or services (a schedule of said contracts marked "A" is hereto annexed). Associated agrees that Wide World will from and after the time of closing carry out and perform each of said subscription contracts in accordance with its terms. Neither Associated nor Wide World [fol. 392] will at the time of closing or at any time thereafter question the propriety of any action taken by or on behalf of Wide World prior to the time of closing.

3. Prior to the time of closing, Wide World will pay and discharge all its known liabilities, and the Times assumes liability for any claim, cause of action, or suit arising out of or in connection with the operation of the business of Wide World prior to the time of closing, including, without limiting the generality of the foregoing, any liability of Wide World for taxes on the operation of its business prior to the time of closing whether the tax returns thereon are filed before or after the time of closing, and the Times agrees, at its own cost and expense, to defend, satisfy, discharge or dispose of any such claim, cause of action, or suit.

4. Prior to the time of closing, Wide World will dispense with the further services of its present employees listed in Schedule "B" hereto annexed, and Associated agrees that it will prior to the time of closing pay to Wide World the sum of $109,025.58, and Wide World agrees that it will promptly after receipt of said sum from Associated pay to each of said employees the severance payment set forth on said Schedule "B." The Times may advance the said sum of $109,025.58 to Wide World and if it does so, Associated will reimburse such payment at the time of closing.

5. For a period of fifteen years from the time of closing, the Times will not, in North, Central, and South America and in the territories and possessions of the United States,

either directly or indirectly, through ownership of any subsidiary or in any other manner,

(a) sell news photographs or pictures or engage in the news photograph or picture business;

[fol. 393] (b) use the names "Times Wide World," or "Wide World" or any similar name or names;

(c) use or authorize others to use the terms "Wired Photo" or "Wire Photo" in connection with any news photograph or picture-transmitting equipment now used or owned or hereafter to be used or owned by it or any subsidiary or in connection with any news photographs or pictures transmitted or received by means of such equipment.

Nothing herein contained prohibits or shall be deemed to prohibit the Times from:

(a) taking and producing news photographs and pictures for publication in the newspaper The New York Times, published in the City of New York.

(b) taking, producing, selling, or making available news photographs and pictures for publication in the newspapers controlled by The Times Printing Company of the City of Chattanooga, Tennessee, so long as the controlling stock interest of the Times shall have a controlling stock or financial interest in the said Printing Company.

(c) taking, producing, making and selling news photographs and pictures, or using the names "Times Wide World" or "Wide World" in connection therewith outside of North, Central, and South America and the territories and possessions of the United States, either directly or through a subsidiary.

(d) selling and making available to its subscribers outside of North, Central, and South America and the territories and possessions of the United States, its picture service for publication in newspapers, and for such other use as the pictures of the Times or Wide World are ordinarily used, including such pictures as the Times may select for that purpose from the full supply of pictures of Associated.

[fol. 394] (e) including photographic illustrations with any article which it may sell to newspapers or other periodicals.

6. The Times hereby agrees that commencing at the time of closing and until the expiration of a period of fifteen (15) years from the time of closing or until the termination of the membership of the Times in Associated, whichever shall first occur, Associated shall have access, at all times, without charge, to the files of news photographs and pictures taken, produced or owned by Wide World or the Times prior to the time of closing, and that the Times will either furnish to Associated copies of any news photographs or pictures contained in the said file, which may be selected by Associated, or permit Associated to make copies thereof at the offices of Associated, the cost of making such copies, in either case, to be paid by Associated.

During the aforesaid period, the Times may offer to Associated, at a price to be mutually agreed upon, news photographs and pictures taken, produced, or owned by the Times at and after the time of closing, which the Times is not obligated to furnish to Associated without charge by reason of or pursuant to its membership in Associated or under separate agreement between Associated and the Times.

Associated shall have the right to use and publish, and to make available to its members, the subscribers to its picture services, and the persons, firms and corporations with which it now has or may hereafter have picture exchange agreements, for publication in newspapers and for such other use as the pictures of Associated are ordinarily used, the news photographs and pictures furnished or sold by the Times to Associated, as herein provided, except that [fol. 395] Associated shall not use or publish, or authorize or permit others to use or publish, the said news photographs or pictures, or any of them, in any newspaper published in the City of New York, without the consent of the Times first obtained.

7. This agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the respective parties hereto as well as to the parties themselves.

In Witness Whereof, the parties hereto caused this agreement to be executed by their respective officers thereunto duly authorized, and their corporate seals to be hereunto affixed, the day and year first above written.

The New York Times Company, by (S.) Arthur Hays Sulzberger, President.

Attest: (S.) Godfrey N. Nelson, Secretary.

The Associated Press by (S.) Lloyd Stratton, Assistant Secretary; (S.) L. F. Curtis, Treasurer. Wide World Photos, Inc., by (S.) Arthur Hays Sulzberger, President.

Attest: (S.) Godfrey N. Nelson, Secretary.

[fol. 396] SCHEDULE A

Subscriber	Amount	Comment
Boston Herald Traveler	$50. weekly	No fixed expiration date; an "open cancellation" clause.
Buffalo Courier Express	55. weekly	Do.
Chicago Daily News	155. weekly	Do.
Chicago Daily Times	150. weekly	Do.
Detroit News	150. weekly	Expires 12/29/41; contains a 30-day cancellation clause.
Los Angeles Examiner	65. weekly	Expired 5/18/41; "open."
PM Publications Research	300. weekly	Expires 6/6/42; cancellation clause requested.
Time Inc. (incl. wire service).	200. weekly	Expires 6/8/41; contains 60-day expiration clause for automatic renewal.
Washington Star	140. weekly	Expires 4/7/42; contains a 30-day cancellation clause.
Pittsburgh Post Gazette	90. weekly	Expires 1/1/42; contains a 60-day cancellation clause.

[fol. 397] EXHIBIT No. 41

Adelaide Advertiser
Arkansas Gazette
Baltimore Correspondent
Bell Syndicate, Charleston Daily Mail
Benedictine Press
Boston Herald Traveller
Brazil Times
Brisbone Courier
British Press, Argentina
British Press, Mexico
Buffalo Courier Express
Capital News, Bismark, Md.
Catholic Observer
Chattanooga Times
Chicago Daily Times
Citrus Valley News
Columbia School of Journalism
Compton Herald
Daily Mirror, Melbourne, Australia
Denver Register
Diario De La Marina
Easton Express
Edmonton Journal, Edmonton
Elliot Service
Estampa, Bogota
Fone River Newspaper Co,
Gloversville Leader, Republican
Greek Daily Herald
Holyoke Transcript

Ithaca Journal
Jewish Daily Forward
Oscar Kersenbaum
Lancaster New Era
La Prosse
Le Soleil
Los Angeles Examiner
Jos Lyddon
Melbourne Herald and Weekly Times
D. A. Monitor, Bazanella
Nebraska State Journal
New Britain Herald
New York Times European Service
a/c Pressinbild
News Day, Hempstead, L. I.
Ottawa Journal
Pasadena Starr—News
Jewish Morning Journal, Philadelphia
Pittsburgh Post Gazette
Providence Journal
Queens Evening News
The Record Newspapers, Troy, N. Y.
All American Newspaper, Rep.
Auckland Advertiser, Auckland
Baltimore Sun
Bell Syndicate, Bluefield Daily Record
Binghampton Press, Binghampton, N. Y.
Brastvo Slovak News
Bridgeport Herald
British Press ASSN., 30 Rockefeller Plaza
British Press, Chile
Brooklyn Daily Eagle
Canadian Fruman, Kingston, Ontario

[fol. 398] Catholic News, 369 Lexington Ave., NYC
Catholic Transcript
Chicago Daily News
Christian Science Monitor
Cleveland Plain Dealer
Commercial Press
Compton Printing Company
Danville Register
Detroit News
Duluth Herald and News Tribune
Elizabeth Daily Journal
El Monte Independent
Rio Earnst Printing Co.
Federated Press
Fresno Guide
Grand Rapids Times
Greenville News
Illustrated Current News
Jersey Observer
Jewish World
La Jolla Weekly Light
La. Prensa
Le Petit Journal
Life-Time, Inc.
Luso Americano, 172 Ferry St., Newark
Lynchburg News and Advance
Minneapolis Tribune
Montreal Standard
Nederlandsche Handel Maats, N. V., Batavia,
New World
New York Times European Serv.
a/c Nosdisk Press
Nu Method Matrix
O Journal
Pautuchet Times
Pico Post
Polish Everybodys Daily

P. M. Publications Research
Reading Times
Remon Roces, Manila, P. I.
St. Louis Globe, Dem.
San Bernardino Sun-Telegram
Schenectady Union Star
Serbian Daily
Southwest Wave
Springfield Republican
Standard Gravure
The Sun-Journal
Tel-Pic Syndicate
Times Mirror Co., Los Angeles
Tohio Asahi
United Features, NYC
United Features, Seattle
U. S. News
Vancouver Sun
News Week
West Coast Printers
Youngstown Indicator
Manchester Union Leader
St. Petersburg Times
Progress Journal
The News, 63 Wellesley St., Toronto
Salvation Army
San Francisco Chronicle
Scranton Times
Southern California Assn. News, San Pedro
Spokesman Review
States Zerbung
Steffise Type
Sidney Daily Telegraph
Time, Inc.
Todo
Toledo Blade
United Features, Los Angeles
United Features, San Francisco
[fol. 399] Valley Times
Washington Star
West Los Angeles Weekly Independent
Wilmington News-Journal
Zanesville News
Philadelphia Record
Presse Diffusion
Il Nuovo Gurnale
Illustrated Press

[fol. 400] EXHIBIT No. 42

December 10, 1941.

Air Mail

Mr. Marshall Field, The Chicago Sun, 400 West Madison Street, Chicago, Illinois.

DEAR MR. FIELD:

Replying to your inquiry of December 8, the Wirephoto service of The Associated Press has been supplied only to members of The Associated Press and, so far as I am able to determine, has never at any time been offered to anyone other than a member.

At the time of the purchase of the Times-Wide World, the supplying of photographs to other than members was discontinued exeept in the case of commitments which Wide World is obligated to fulfill until their expiration.

Yours very tfuly, Robert McLean, President.

K.

[fols. 401-403] EXHIBIT No. 43

Wide World Photos, Inc.
50 Rockefeller Plaza
New York, N. Y.

December 10, 1941.

Mr. David M. Liberson, Picture Editor, The Jewish Daily Forward, 175 East Broadway, New York, New York.

DEAR MR. LIBERSON:

This is to advise you that under the plans for the reorganization of Wide World Photos, Inc., now nearing completion following the change in ownership, it will not be possible for Wide World to serve your publication after December 31, 1941.

We are advising you now so that you will have ample time to make satisfactory arrangements otherwise.

With best wishes,

Sincerely yours, (Signed) Paul Miller.

[fol. 404] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

[Title omitted]

RESPONSES OF THE ASSOCIATED PRESS, ET AL., TO REQUEST FOR ADMISSIONS

The defendants The Associated Press, Paul Bellamy, George Francis Booth, John Cowles, William Hutchinson Cowles, Edward King Gaylord, Houston Harte, Josh L. Horne, Clark Howell, Jr., Joseph Russell Knowland, Rob-

ert McLean, Leonard Kimball Nicholson, Frank Brett Noyes, Paul Patterson, Stuart Hoffman Perry, E. Lansing Ray, Edward Hubert Butler, The Adrian Telegram, The A. S. Abell Company, Bulletin Company, The Constitution Publishing Company, Cowles Publishing Company, The Evening Star Newspaper Company, Forest City Publishing Company, The Kansas City Star Company, The Oklahoma Publishing Co., The Register and Tribune Company, Rocky Mount Publishing Co., Globe Democrat Publishing Co., San Angelo Standard, Inc., The Times-Picayune Publishing Company, The Tribune Publishing Co., and Worcester Telegram Publishing Co. Inc., for the purposes of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial, make [fol. 405] the following Responses to the 374 Items contained in the Request for Admissions served upon counsel for the above named defendants by the plaintiff.

Responses

1-a. Admit that The Adrian Telegram is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

1-b. Admit.

1-c. Deny.

1-d. Deny.

1-e. Admit.

1-f. Admit.

1-g. Deny.

2-a. Admit that The A. S. Abell Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

2-b. Admit.

2-c. Admit.

2-d. Deny.

2-e. Admit.

2-f. Admit.

2-g. Admit.

[fol. 406] 3-a. Admit that Bulletin Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

3-b. Admit.

3-c. Admit.

3-d. Deny.

3-e. Admit.

3-f. Admit.

3-g. Deny.

4-a. Admit that The Constitution Publishing Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

4-b. Admit.

4-c. Admit.

4-d. Deny.

4-e. Admit.

4-f. Admit.

4-g. Admit.

5-a. Admit that Cowles Publishing Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

[fol. 407] 5-b. Admit.

5-c. Admit.

5-d. Deny.

5-e. Admit.

5-f. Admit.

5-g. Admit.

6-a. Admit that The Evening Star Newspaper Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

6-b. Admit.

6-c. Admit.

6-d. Deny.

6-e. Admit.

6-f. Admit.

6-g. Admit.

7-a. Admit that Forest City Publishing Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

7-b. Admit.

7-c. Admit.

7-d. Deny.

7-e. Admit.

7-f. Admit.

7-g. Admit.

[fol. 408] 8-a. Deny, except that The Kansas City Star Company is engaged, and has been engaged since August 1, 1926, in the business of publishing and selling a newspaper

for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

8-b. Deny.

8-c. Admit.

8-d. Deny.

8-e. Admit.

8-f. Deny.

8-g. Deny.

9-a. Admit that The Oklahoma Publishing Co. is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

9-b. Admit.

9-c. Admit.

9-d. Deny.

9-e. Admit.

9-f. Admit.

9-g. Admit.

10-a. Admit that The Register and Tribune Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

[fol. 409] 10-b. Admit.

10-c. Admit.

10-d. Deny.

10-e. Admit.

10-f. Admit.

10-g. Admit.

11-a. Admit that Rocky Mount Publishing Co. is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose

of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

11-b. Admit.

11-c. Deny.

11-d. Deny.

11-e. Admit.

11-f. Admit.

11-g. Deny.

12-a. Admit that Globe Democrat Publishing Co. is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

12-b. Admit.

12-c. Admit.

12-d. Deny.

12-e. Admit.

12-f. Admit.

12-g. Admit.

[fol. 410] 13-a. Admit that San Angelo Standard, Inc. is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

13-b. Admit.

13-c. Admit.

13-d. Deny.

13-e. Admit.

13-f. Admit.

13-g. Deny.

14-a. Admit that The Times-Picayune Publishing Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

14-b. Admit.

14-c. Admit.

14-d. Deny.

14-e. Admit.

14-f. Admit.

14-g. Admit.

15-a. Admit that The Tribune Publishing Co. is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

[fol. 411] 15-b. Admit.

15-c. Admit.

15-d. Deny.

15-e. Admit.

15-f. Deny.

15-g. Deny.

16-a. Admit that Worcester Telegram Publishing Co., Inc. is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

16-b. Admit.

16-c. Admit.

16-d. Deny.

16-e. Admit.

16-f. Admit.

16-g. Admit.

17-a. Admit that Tribune Company is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

17-b. Admit.

17-c. Admit.

17-d. Deny.

17-e. Admit.

17-f. Deny.

17-g. Admit.

[fol. 412] 18-a. Admit that Edward Hubert Butler, individually and as trustee under the Last Will and Testament of Edward H. Butler, deceased, is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to his subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

18-b. Admit.

18-c. Admit.

18-d. Deny.

18-e. Admit.

18-f. Admit.

19-a. Admit that each member of The Associated Press located in any of the States of the United States, and not specifically named as a defendant, is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

19-b. Admit.

19-c. Deny.

19-d. Admit.

19-e. Admit that each of a majority of the members of the Associated Press located in any of the States of the United States, and not specifically named as a defendant, is engaged, and has been engaged for a number of years, in the business of publishing and selling a newspaper for the purpose of disseminating to its subscribers and others, news of current events, information and intelligence, and also for the purpose of deriving a profit.

[fol. 413] 19-f. Admit.

19-g. Deny.

19-h. Admit.

19-i. Cannot truthfully either admit or deny the statements contained in Item 19-i, for the reason that there are more than twelve hundred members of The Associated Press located in various States of the United States, and not specifically named defendants, whose courses of business in respect of the sale and delivery of newspapers in states other than the state in which the same are published are unknown to these named defendants and the facts cannot be ascertained within the limit of time available to serve and file these Responses.

19-j. Cannot truthfully either admit or deny the statements contained in Item 19-j, for the reason that there are more than twelve hundred members of The Associated Press located in various States of the United States, and not specifically named defendants, whose courses of business in respect of the sale of newspapers within the State in which the newspapers are published for sale and delivery in states other than the state in which the same are published are unknown to these named defendants and the facts cannot be ascertained within the limit of time available to serve and file these Responses.

19-k. Cannot truthfully either admit or deny the statements contained in Item 19-k, for the reason that there are more than twelve hundred members of The Associated Press located in various States of the United States, and

not specifically named defendants, whose courses of business in respect of receiving and publishing news transmitted to them by news agencies other than The Associated Press or by reporters, correspondents or agents, from points located in states other than the state in which the same are published are unknown to these named defendants [fol. 414] and the facts cannot be ascertained within the limit of time available to serve and file these Responses.

20-a. Admit, but state that the said brief from which the quotation in Item 20-a is taken was an argument, made by Montgomery B. Angell, Esq., attorney for The Associated Press in the matter, in support of the contention that The Associated Press was exempt from the provisions of the Federal Social Security Act on the ground that it was "a corporation organized and operated exclusively for educational purposes" within the terms of the Federal statute.

20-b. Cannot truthfully either admit or deny the statement contained in Item 20-b, for the reason that the statements in Item 20-a are statements of opinion. What is "essential before one can be considered educated" and what is "vital to the efficient functioning of a democracy" are matters concerning which conclusions can only be based upon subjective experience not susceptible of precise evaluation as to truth or falsity.

21-a. Cannot truthfully either admit or deny the statements contained in Item 21-a for the reason that they are statements of opinion relating to comparisons of size, scope and comprehensiveness of operations of news agencies in the United States. These defendants are informed and believe that the three news agencies named are the largest in the United States, but they state that there are many other news agencies operating in the United States of considerable size, scope and comprehensiveness of operations.

21-b. Deny.

22-a. Admit.

22-b. Admit.

22-c. Admit.

[fol. 415] 22-d. Deny, but state that Melville E. Stone acted as General Manager of The Associated Press from 1900 to April, 1921.

22-e. Admit.

22-f. Admit.

22-g. Admit.

22-h. Admit.

22-i. Admit.

22-j. Admit.

22-k. Deny, and state that the pertinent provisions of the By-Laws of The Associated Press and the resolution of its Board of Directors, referred to in Item 22-K, are as follows:

By-Laws

Article V, Section 1

"Section 1. The affairs of the Corporation shall be managed by eighteen Directors, at least one of whom shall be a resident of the state of New York. * * *"

Article V, Section 4

"Sec. 4. The Board of Directors shall, in addition to the powers elsewhere granted by the By-Laws, or otherwise conferred by law, have the power to make contracts; to fill vacancies in their own number until the next annual meeting; to elect and remove officers and agents; to engage and discharge employees; to fix the compensation of officers, agents and employees; to borrow money; to issue bonds; to authorize a mortgage or mortgages in conformity with law; to expend the money of the Corporation for its lawful purposes, and to do all acts not inconsistent with the Certificate of Incorporation, or the By-Laws, which it may deem for the best interests of the Corporation, and in general shall have the control and management of all the affairs of the Corporation, except as otherwise provided in the [fol. 416] By-Laws. The votes of a majority of all the Directors shall be required to elect or remove an officer."

Article VI, Section 3

"Sec. 3. The President shall preside over all meetings of the members and Board of Directors at which he may be present, and shall exercise general supervision and control over the affairs of the Corporation, subject to the direction of the Board."

Resolution

Board of Directors of The Associated Press

"*Resolved* (1), That the General Manager be and he hereby is fully authorized to make and carry out the necessary arrangements for the service of news to the members of this Corporation.

"(2) That the General Manager be and he hereby is fully authorized to employ and discharge agents and employes and to govern and direct the collection and distribution of news, subject in the performance of the duties of his position to the supervision of the Board of Directors and the Executive Committee.

"(3) That the General Manager be and he hereby is fully authorized to draw upon each of the members of the Corporation for the regular assessment as the same may hereafter be fixed by the Board, in accordance with Section 2 of Article IX, of the By-Laws of this Corporation.

"(4) That the General Manager be and he hereby is fully authorized to pay from the funds of this Corporation the current expenses for the service hereinbefore authorized."

22-l. Deny the statements contained in Item 22-l. The day to day business operations of The Associated Press in gathering and disseminating news are conducted by the newspaper members of The Associated Press and their [fol. 417] staffs of employees, together with the staff of employees of The Associated Press headed by Kent Cooper, the General Manager.

22-m. Deny the statement contained in Item 22-m. Article VI, Section 3, of the By-Laws of The Associated Press requires that "the President • • • shall exercise gen-

eral supervision and control over the affairs of the corporation, subject to the direction of the Board."

22-n. Admit.

22-o. Deny the statement contained in Item 22-n that "He (the General Manager) acts as executive head of the organization," except as provided by the By-Laws and resolution hereinbefore set forth in the responses to Items 22-k and 22-m and state that the said "Summary" did not purport to define with precision the powers of the General Manager of The Associated Press.

22-p. Admit, but state that the quotation in Item 22-p is a part only of a paragraph in the said affidavit. The paragraph in full is as follows:

> "*The affairs of the corporation are in the control of a board of directors. The directors are elected from among representatives of the individual member newspapers.* The board of directors has conferred, however, upon the General Manager, executive control of, and responsibility for, the news service and personnel." (Italicized portions omitted in Government Request.)

22-q. Deny the statement contained in Item 22-p that "The board of directors has conferred, however, upon the General Manager, executive control of, and responsibility for, the news service and personnel," except as provided by the By-Laws and resolution hereinbefore set forth in responses to Items 22-k and 22-m.

23-a. Admit.

[fol. 418] 23-b. Deny, but state that as of March 1, 1942 there were six regular members located in Alaska, two regular members in Hawaii, none in the Philippine Islands, five in Mexico, two in Peru, one in Argentina, one in Ecuador, and one in Panama.

24-a. Admit.

24-b. Admit.

24-c. Admit.

24-d. Admit.

24-e. Admit.

24-f. Deny, but state that The Associated Press made expenditures in the year 1941 for foreign and domestic news collection and news distribution in the sum of $8,451,298.15.

24-g. Deny.

25-a. Admit.

25-b. Admit that as of August 18, 1942 The Associated Press employed 1940 employees. Deny that The Associated Press as of August 18, 1942 employed in addition a large number of part-time employees. "String correspondents," so-called, are believed to be independent contractors.

25-c. Admit.

25-d. Deny the statement in Item 25-d that the "statements of fact contained in Exhibit No. 3 *are* true" as of the present time and state that the following statements contained in Exhibit No. 3 are not true as of the present time:

"The Associated Press is a cooperative, non-profit association of more than 1400 newspaper members."

"Through facilities which it has created, the news of America collected by The Associated Press appears in virtually every newspaper in the world outside of the United States."

[fol. 419] "The last tabulation showed about 7,500 full-time and part-time correspondents in the United States and Canada, excluding member paper employees."

"Abroad there are bureaus and correspondents in all principal cities, and their contact with news sources everywhere interlaces the world."

"The Associated Press of Great Britain, Limited, an affiliate, with headquarters in its own building at London, distributes news and news pictures throughout the Eastern hemisphere. Its news photo service * * * serves news pictures to most newspapers in * * * Europe and other parts of the world. Its news service, * * * is received daily by hundreds of newspapers in * * * several countries in Continental Europe."

"News pictures from Central Europe also are developed and distributed through The Associated Press

GmbH, with headquarters in Berlin. This also is an affiliate of The Associated Press and maintains the largest photographic staff and output of any agency in that part of the world."

"it (The Associated Press) has available the news of the following named agencies:

Belgium, Agence Telegraphique Belge, Brussels.
Bulgaria, Agence Telegraphique, Bulgare, Sofia.
Denmark, Ritzaus Telegraphic, Copenhagen.
Esthonia, Esthonian Telegraphic Agency, Revel.
Finland, Finska Notisbyran, Helsinki.
France, The Associated Press of Great Britain, Ltd. (France), Paris Agence Havas, Paris. Agence Telegraphique, Polonaise, Paris.
Germany, The Associated Press G.m.b.H., Berlin.
Greece, Agence d'Athenes, Athens.
Holland, Nederlandsch Telegraaf Agentschap, The Hague.
Hungary, Agence Telegraphique Hongroise, Budapest.
Italy, Agence Stefani, Rome.
Japan, Domei Tsushin Sha, Tokyo.
Yugoslavia, Avala Agency, Belgrade.
Latvia, Latvian Telegraph Agency, Riga.
[fol. 420] Lithuania, Agence Telegraphique Lithuanienne, Kovno.
Norway, Norsk Telegrambyra, Oslo.
Rumania, Rador, Bucharest.

26-a. Admit. Copies of the contracts referred to in Item 26-a have been supplied to the plaintiff. The contracts provide for the *exchange* of news by The Associated Press and the foreign news agencies named.

26-b. Admit.

26-c. Admit.

26-d. Deny.

27-a. Admit, but state that the quotation in Item 27-a is a part only of a paragraph in the said "Summary." The paragraph in full is as follows:

"The AP makes no profit from its activities and earns no income. All the expenses of the AP, including

the cost of collecting and exchanging the news, and all other expenses, are met by weekly assessments apportioned by the Board of Directors among the members. The basis of assessment is the population of the city in which the member publishes. If two members take the same services in two different cities of the same circuit their assessments will bear the same proportion to each other as the population of the one city bears to the other. An assessment is against a field and is prorated according to the number served therein, as for example two sharing members would each pay one half the assessment charged against the field. If one should terminate membership the other would bear the full amount. (Italicized portions omitted in Government Request.)

27-b. Admit.

27-c. Admit.

27-d. Admit.

28-a. Admit.

[fol. 421] 28-b. Admit, except that a dash should appear after the name of George F. Booth (at the end of page 2 of Exhibit No. 5) to indicate the fact that he is still serving as a director.

28-c. Admit, except that a dash should appear after the name of George F. Booth (at the end of page 2 of Exhibit No. 5) to indicate the fact that he is still serving as a director.

28-d. Admit.

28-e. Admit.

28-f. Admit.

28-g. Admit.

28-h. Admit.

28-i. Admit.

28-j. Admit.

28-k. Admit.

28-l. Admit.

28-m. Admit.

28-n. Admit.

28-o. Admit, but state there were at least four additional persons who, while serving as directors of The Associated Press, declined or refused nomination for election for a period beyond that for which they were then serving.

28-p. Admit.

28-q. Deny.

28-r. Deny.

28-s. Admit.

29-a. Deny.

29-b. Admit.

[fol. 422] 29-c. Admit, but state that the quotation of Exhibit No. 6, being the report referred to in Item 29-c, is a part only of the said report. The report in full is as follows:

"History

"The old Associated Press (Illinois Corporation) was a stock company and while no profits or dividends were allowed, the control of the organization was in the hands of the stockholders, the majority of the papers receiving the service having no voice in the management.

"Broadly, in the old organization, the stock was issued to the more important papers of the organization though some smaller papers in key positions were allowed stock, the maximum holding being limited to eight shares.

When the New York corporation was formed, the incorporators felt in honor bound to carry forward, so far as was legally feasible, the existing status and moreover the larger papers paying the great bulk of the assessment felt entitled to representation in proportion to their contribution to the operating revenues of the Association.

"To facilitate this transfer and redeem the stock of the Illinois Corporation and to obtain money for operating purposes, a bond issue of $150,000 was authorized and the stockholders of the Illinois Corporation

were permitted to subscribe to these bonds in the same proportion in which they held stock. Approximately $130,000 worth of bonds were sold having a voting privilege (as allowed by the New York law) in the election of directors only, the directors being vested in general with the management of the affairs of the corporation, including the news service and the assessments.

"Of the $130,000 issued, $29,425 have been redeemed because of consolidations, etc., so that there are now outstanding $100,575.

[fol. 423] "Legal Situation

"Your Committee is advised that neither the Board nor the Association has legal authority to enforce a redemption of the bonds, save as is provided in the Deed of Trust and in the By-Laws. *Certain bond holders have expressed willingness to surrender a portion of their bonds and one bondholder owning a number of member newspapers has offered to surrender all of his bonds contingent upon similar action by other bond holders. Your Committee is unable to say how many bond holders would agree either to a total or partial redemption. While the Board of Directors has had the legal authority to resell any redeemed bonds and the balance of the authorized issue, it has never done so, not thinking it appropriate for it to take any action affecting the election of the Board itself although no member of the Board as constituted owes his election to the bond vote, and also believing that in taking any such action, it would be impossible to avoid the appearance of favoritism.*

"Conclusion

"Your Committee cannot recommend that the Board of Directors change its attitude of regarding it as improper for that body to resell the redeemed bonds or to sell the unissued bonds unless the mandate shall come from the membership.

"The Committee is unanimous as to this.

"The Committee also feels that it would be advisable if possible to broaden the list of bond holders by issuing bonds to members not now holding bonds in proportion to the regular assessments that they pay. This

would be in recognition of the fact that the general newspaper situation has changed greatly since the original issue of bonds and that many members do not have a voice in the election of directors proportionate to their contributions to the organization.

"The weekly assessments of members total $161,348, paid by 1,222 members.

[fol. 424] *"357 members paying less than $50 each pay $9,457.27 of this total.*

"406 members paying between $50 and $100 per week contribute $31,037 weekly.

"459 members each paying over $100 weekly make total weekly paymens of $120,852.

so that thirty-seven per cent of the membership paying over $100 a week contribute three-quarters of all the revenues.

"The sixty-one members who pay each more than $500 a week provide $46,211.50 weekly. Sixty-one members who pay less than $15 a week provide $768.17 weekly.

"Your Committee recommends that the Board take such means as it sees fit to bring this question before the membership and obtain such mandate for a redistribution along lines that may be more representative of the proportionate assessments of members.

"Frank B. Noyes, Adolph S. Ochs, Robert McLean, Committee."

(Italicized portions omitted in Government Request)

29-d. Admit.

29-e. Admit, but state that the quotation of Exhibit No. 7, being the report referred to in Item 29-e, is a part only of the said report. The report in full is as follows:

"To the Board of Directors and Members of The Associated Press:

"Your committee created by resolution unanimously adopted at the annual meeting held in the city of New York, April 25, 1927, to study the questions of voting rights, and of protest rights, herewith report as follows:

[fol. 425] *"The resolution creating this Committee reads as follows:*

"Whereas, The Board of Directors has had under consideration the situation in regard to the outstand-

ing bonds of THE ASSOCIATED PRESS carrying voting privileges, and has found the distribution of the same to be, by reason of changed conditions, increasingly disproportionate; and

"Whereas, the Board has submitted to the membership a report of its committee on the subject with a resolution adopted by the Board in relation thereto; and

Whereas, it is advisable that said report and resolution and the matters therein discussed should be further considered; and

"Whereas, it is advisable that for like reasons the subject of protest rights shall be brought under review with the object of adjusting the same in a manner which shall be for the best interests of the entire membership;

"Now therefore be it resolved:

"(1) That the President do appoint a Special Committee on bond and protest rights to be composed of six members of this corporation of whom the President himself shall be one, to which committee there shall be referred in their entirety the several subjects mentioned in the preamble of this resolution (including the report made to the Board by its committee and the resolution adopted by the Board in relation thereto) with full authority to investigate and make report concerning the same, and to recommend to the Board of Directors and to the membership such action as should in its judgment be taken, whether by amendment of the by-laws or otherwise.

"(2) Said committee shall make report, as soon as may conveniently be done, to the Board of Directors and also to the membership in special or regular meeting assembled, but in no event later than the next regular annual meeting of the corporation.

[fol. 426] *"(3) The Committee shall obtain the opinion of counsel for the corporation in regard to the legal aspect of any action that may be recommended by it.*

"(4) Should a vacancy on said committee occur by reason of death, resignation or like cause, the President shall have the power to fill the same by appointment.

"Attention was first given to the question of voting rights. In respect to this matter it was found that any solution of the problem must recognize the existence of the outstanding bond issue under which certain rights have arisen and vested in the bondholders.

"A thorough survey of the legal and business aspect of the matter convinced the committee that equitable readjustment of the voting power could be accomplished more expeditiously and more certainly by adopting as a premise the fact that the present bond issue should not be disturbed.

"In addition, an examination of the balances and reserves of the Association convinced the Committee that the Association should have additional funds which should be allocated to the strengthening of reserves and the maintenance of liquid balances adequate to meet situations inevitably arising in the expansion of such a large organization as THE ASSOCIATED PRESS.

"In other words, it was found that two purposes could be served. First, to bring about a readjustment of voting power, and secondly, to strengthen the financial condition of the organization.

"To effectuate these two purposes, this committee unanimously recommends that any unissued bonds now remaining in the treasury shall not be issued save in substitution for bonds now issued.

"Secondly, that a new bond issue be created of a sufficient principal sum hereafter to be fixed by the directors of THE ASSOCIATED PRESS to carry out the recommendations hereinafter made.

[fol. 427] "Thirdly, that every member of THE ASSOCIATED PRESS be given the right—but shall not be required—to subscribe for bonds of THE ASSOCIATED PRESS in an amount proportionate to the weekly assessment paid by said member, the present bond holdings being taken into account. It is the recommendation of the Committee that said bonds, when issued in denominations of twenty-five dollars ($25.00), or multiples thereof, shall carry with them the same rights as are now enjoyed by the holders of existing bonds, provided that every member regardless of the amount of his assessment shall have the right to subscribe for sufficient bonds to give him a minimum of four (4) votes; provided further that for each twenty-five dollar

additional assessment over and above fifty dollars per week a member shall have a right to subscribe for an additional sum of fifty dollars in bonds, carrying therewith the same rights as are now enjoyed by the holders of existing bonds, and provided further that no member shall have the right, regardless of the amount of assessment paid, to subscribe for more than one thousand dollars ($1,000.00) in bonds or to cast more than forty votes by virtue of such bondholding in the election of directors.

"Your Committee has also given exhaustive consideration to the question of protest rights and is unanimous in recommending that the necessary changes in the By-laws be prepared by the General Counsel and adopted by the Annual Meeting and the Board of Directors to effectuate limitations on the powers of the Board of Directors so that

"Without the consent in writing of each member representing a newspaper printed in the English language which has been represented in membership for more than five years in Continental United States and published not less than six days a week the Board may not elect a new member (not entitled to a service of news under an existing contract with THE ASSOCIATED PRESS of Illinois on the 13th day of September 1900) in the same city of publication, the same field (morning or afternoon) and to be published on the days [fol. 428] *on which the existing member regularly publishes except that consent to the election of a morning paper need not be obtained from an evening member the membership of which includes the right to a Sunday morning edition.*

"Provided that this shall not affect the status of members who have protest rights as of the date of the adoption of this amendment (April , 1928) and it shall not have the effect of either enlarging or decreasing the right of such members as defined in their certificate of membership with such waivers as have subsequently been given.

"It will be noted that when and where the foregoing limitations on the powers of the Board are effective and

not waived new members can only be elected by a vote of four-fifths of those present in person or by proxy at an annual meeting or at a special meeting called for that purpose.

"Your committee wishes to express its gratification that our minds have met in the consideration we have given these important questions and that we are able to present a unanimous recommendation.

"Frank B. Noyes, Chairman; Robert Ewing, Robert McLean, John Francis Neylan, Adolph S. Ochs, Arthur H. Vandenberg."

(Italicized portions omitted in Government Request)

29-f. Admit.

30. Deny, but admit that the staffs of more than 1200 newspapers in the United States gather local news of their vicinages respecting unanticipated noteworthy events occurring therein, such as airplane accidents, train wrecks, tornadoes, or mine disasters, which news is furnished in each instance to the newspaper itself and, in turn, is made available to The Associated Press.

[fol. 429] 31-a. Admit.

31-b. Admit.

31-c. Admit.

31-d. Deny, but state that Press Association, Inc. is engaged in selling a newscast service to radio broadcasters and, in addition, it conducts a salvage business in news pictures and syndicate material. It also conducts a laboratory for scientific experimentation.

31-e. Admit.

31-f. Admit.

31-g. Admit.

31-h. Admit.

31-i. Admit.

31-j. Admit.

31-k. Admit.

31-l. Deny the statement in Item 31-l that "The statements of fact contained in Exhibit No. 8 *are* true" as of the present time, in that the following statement contained in said Exhibit No. 8 is not true at the present time:

> "It (The Associated Press of Germany (GmbH)) operates a news photo service."

32-a. Deny.

32-b. Admit, and state that the brochure purported to be, and was, issued solely for advertising purposes.

32-c. Deny, except as to McCambridge, Gramling and Booth, and except that Cooper knew that a brochure was to be issued but had no knowledge of the text thereof.

32-d. Deny.

32-e. Deny.

32-f. Deny.

[fol. 430] 32-g. Admit, but state that the brochure was made and issued without the knowledge of the persons who then constituted the Executive Committee of The Associated Press.

32-h. Deny, except that Cooper knew that a brochure was to be issued but had no knowledge of the text thereof.

32-i. Admit, and state that the brochure was made and issued without the knowledge of any of the officers of The Associated Press, except that Cooper knew that a brochure was to be issued but had no knowledge of the text thereof.

32-j. Deny, except that Cooper knew that a brochure was to be issued but had no knowledge of the text thereof.

32-k. Deny.

32-l. Admit, but state that the brochure was made and issued without the knowledge of the Board of Directors of The Associated Press.

32-m. Deny.

32-n. Admit.

32-o. Admit.

33-a. Deny, on the ground that a position held by Stone prior to his employment by the defendant The Associated Press of New York is not relevant or material to any issue in this proceeding.

33-b. Deny, on the ground that the By-Laws referred to in Item 33-b are not relevant or material to any issue in this proceeding.

33-c. Deny, on the ground that the report referred to in Item 33-c is not relevant or material to any issue in this proceeding.

33-d. Deny, on the ground that the resolution referred to in Item 33-d is not relevant or material to any issue in this proceeding.

[fol. 431] 33-e. Deny, on the ground that the statement referred to in Item 33-e is not relevant or material to any issue in this proceeding.

33-f. Deny, on the ground that the statement referred to in Item 33-f is not relevant or material to any issue in this proceeding.

33-g. Deny, on the ground that the notice referred to in Item 33-g is not relevant or material to any issue in this proceeding.

33-h. Deny, on the ground that the statement referred to in Item 33-h is not relevant or material to any issue in this proceeding.

33-i. Deny, on the ground that the report referred to in Item 33-i is not relevant or material to any issue in this proceeding.

33-j. Deny, on the ground that the communication referred to in Item 33-j is not relevant or material to any issue in this proceeding.

33-k. Deny, on the ground that the communication referred to in Item 33-k is not relevant or material to any issue in this proceeding.

33-l. Deny, on the ground that the communication referred to in Item 33-l is not relevant or material to any issue in this proceeding.

33-m. Deny, on the ground that the resolution referred to in Item 33-m is not relevant or material to any issue in this proceeding.

33-n. Deny, on the ground that the resolution referred to in Item 33-n is not relevant or material to any issue in this proceeding.

33-o. Deny, on the ground that previous corporate relationships of the incorporators of The Associated Press of [fol. 432] New York are not relevant or material to any issue in this proceeding.

33-p. Deny, on the ground that previous corporate relationships of the members of The Associated Press of New York are not relevant or material to any issue in this proceeding.

33-q. Deny, on the ground that previous corporate relationships of the 278 members of The Associated Press of New York who were given "protest rights" in 1900, are not relevant or material to any issue in this proceeding.

33-r. Deny, on the ground that previous corporate relationships of the members of The Associated Press of New York are not relevant or material to any issue in this proceeding.

34-a. Admit.

34-b. Admit.

35-a. Deny, and state that the Board deferred action on the application of the Craven Publishing Co. for membership in The Associated Press and the applicant did not reapply.

35-b. Deny.

35-c. Admit.

35-d. Deny, and state that the Board deferred action on the application of the Mour ville Journal Co. for membership in The Associated Press and the applicant did not reapply.

35-e. Deny.

35-f. Admit.

35-g. Admit.

35-h. Deny, and state that the reason which determined the Board of Directors not to elect Vincennes Post, Inc. to membership was that it would not be for the best interests [fol. 433] of The Associated Press and its membership so to do. In reaching their determination, the Board of Directors took into consideration the character of the operation of the newspaper owned by the existing member in the field, including its coverage of local news to The Associated Press, the prospect for the successful operation of another newspaper in the same field, the experience, character and financial ability of the applicant, statements of the existing member in support of his objection to the election of the applicant, and all other facts which in the judgment of the Board of Directors enabled the members thereof to determine whether the election of the applicant would tend to promote the best interests of The Associated Press and its membership as a cooperative association engaged in the collection and distribution of a complete, unbiased and accurate report of the news.

35-i. Admit.

35-j. Deny, and state that the Board deferred action on the application of Blackwell Tribune Publishing Co. for membership in The Associated Press because the applicant had not established a newspaper at Ponca City, Oklahoma.

35-k. Deny.

35-l. Deny.

35-m. Admit.

35-n. Deny, and state that the reason which determined the Board of Directors not to elect Athens Georgia Times & Georgian to membership was that it would not be for the best interests of The Associated Press and its membership so to do. In reaching their determination, the Board of Directors took into consideration the character of the operation of the newspaper owned by the existing member in the field, including its coverage of local news to The Associated Press, the prospect for the successful operation of another newspaper in the same field, the experience, character and financial ability of the applicant, statements of the [fol. 434] existing member in support of his objection to the election of the applicant, and all other facts which in the judgment of the Board of Directors enabled the members

thereof to determine whether the election of the applicant would tend to promote the best interests of The Associated Press and its membership as a cooperative association engaged in the collection and distribution of a complete, unbiased and accurate report of the news.

35-o. Admit.

35-p. Admit.

35-q. Deny, and state that the reason which determined the Board of Directors not to elect Wallace Stevens to membership was that it would not be for the best interests of The Associated Press and its membership so to do. In reaching their determination, the Board of Directors took into consideration the character of the operation of the newspaper owned by the existing member in the field, including its coverage of local news to The Associated Press, the prospect for the successful operation of another newspaper in the same field, the experience, character and financial ability of the applicant, statements of the existing member in support of his objection to the election of the applicant, and all other facts which in the judgment of the Board of Directors enabled the members thereof to determine whether the election of the applicant would tend to promote the best interests of The Associated Press and its membership as a cooperative association engaged in the collection and distribution of a complete, unbiased and accurate report of the news.

35-r. Admit.

35-s. Admit.

35-t. Deny, and state that the reason which determined the Board of Directors not to elect Valley News Company to membership was that it would not be for the best interests of The Associated Press and its membership so to do. [fol. 435] In reaching their determination, the Board of Directors took into consideration the character of the operation of the newspaper owned by the existing member in the field, including its coverage of local news to The Associated Press, the prospect for the successful operation of another newspaper in the same field, the experience, character and financial ability of the applicant, statements of the existing members in support of his objection to the election of the applicant, and all other facts which in the judgment of

the Board of Directors enabled the members thereof to determine whether the election of the applicant would tend to promote the best interests of The Associated Press and its membership as a cooperative association engaged in the collection and distribution of a complete, unbiased and accurate report of the news.

35-u. Admit.

35-v. Admit.

35-w. Deny, and state that the reason which determined the Board of Directors not to elect Southwest Printing Company to membership was that it would not be for the best interests of The Associated Press and its membership so to do. In reaching their determination, the Board of Directors took into consideration the character of the operation of the newspaper owned by the existing member in the field, including its coverage of local news to The Associated Press, the prospect for the successful operation of another newspaper in the same field, the experience, character and financial ability of the applicant, statements of the existing member in support of his objection to the election of the applicant, and all other facts which in the judgment of the Board of Directors enabled the members thereof to determine whether the election of the applicant would tend to promote the best interests of The Associated Press and its membership as a cooperative association engaged in the collection and distribution of a complete, unbiased and accurate report of the news.

[fol. 436] 35-x. Admit.

35-y. Admit.

35-z. Deny, and state that the reason which determined the Board of Directors not to elect J. L. Meeks, Jr. to membership was that it would not be for the best interests of The Associated Press and its membership so to do. In reaching their determination, the Board of Directors took into consideration the character of the operation of the newspaper owned by the existing member in the field, including its coverage of local news to The Associated Press, the prospect for the successful operation of another newspaper in the same field, the experience, character and financial ability of the applicant, statements of the existing member in support of his objection to the election of the

applicant, and all other facts which in the judgment of the Board of Directors enabled the members thereof to determine whether the election of the applicant would tend to promote the best interests of The Associated Press and its membership as a cooperative association engaged in the collection and distribution of a complete, unbiased and accurate report of the news.

35-aa. Admit.

35-bb. Admit.

35-cc. Deny, and state that the reason which determined the Board of Directors not to elect Sun Publishing Company to membership was that it would not be for the best interests of The Associated Press and its membership so to do. In reaching their determination, the Board of Directors took into consideration the character of the operation of the newspaper owned by the existing member in the field, including its coverage of local news to The Associated Press, the prospect for the successful operation of another newspaper in the same field, the experience, character and financial ability of the applicant, statements of the existing member in support of his objection to the election of the [fol. 437] applicant, and all other facts which in the judgment of the Board of Directors enabled the members thereof to determine whether the election of the applicant would tend to promote the best interests of The Associated Press and its membership as a cooperative association engaged in the collection and distribution of a complete, unbiased and accurate report of the news.

35-dd. Deny.

35-ee. Admit.

35-ff. Deny, and state that the reason which determined the Board of Directors not to elect Carlos P. Rumolo to membership was that it would not be for the best interests of The Associated Press and its membership so to do. In reaching their determination, the Board of Directors took into consideration the character of the operation of the newspaper owned by the existing member in the field, including its coverage of local news to The Associated Press, the prospect for the successful operation of another newspaper in the same field, the experience, character and finan-

cial ability of the applicant, statements of the existing member in support of his objection to the election of the applicant, and all other facts which in the judgment of the Board of Directors enabled the members thereof to determine whether the election of the applicant would tend to promote the best interests of The Associated Press and its membership as a cooperative association engaged in the collection and distribution of a complete, unbiased and accurate report of the news.

35-gg. Admit.

35-hh. Admit.

35-ii. Deny, and state that the reason which determined the Board of Directors not to elect Moorhead News Co., Inc. to membership was that it would not be for the best interests of The Associated Press and its membership so to [fol. 438] do. In reaching their determination, the Board of Directors took into consideration the character of the operation of the newspaper owned by the existing member in the field, including its coverage of local news to The Associated Press, the prospect for the successful operation of another newspaper in the same field, the experience, character and financial ability of the applicant, statements of the existing member in support of his objection to the election of the applicant, and all other facts which in the judgment of the Board of Directors enabled the members thereof to determine whether the election of the applicant would tend to promote the best interests of The Associated Press and its membership as a cooperative association engaged in the collection and distribution of a complete, unbiased and accurate report of the news.

35-jj. Admit.

35-kk. Deny, and state that the Board referred the application to the annual meeting of the members of The Associated Press.

35ll. Deny and state that the reason why the Board referred the application of Peninsula Newspapers, Inc. to the annual meeting of the members of The Associated Press was that the By-Laws so required.

35-mm. Deny.

35-nn. Admit.

35-oo. Deny, and state that the reason which determined the Board of Directors not to elect W. A. Spence to membership was that it would not be for the best interests of The Associated Press and its membership so to do. In reaching their determination, the Board of Directors took into consideration the character of the operation of the newspaper owned by the existing member in the field, including its coverage of local news to The Associated Press, the prospect for the successful operation of another newspaper in the same field, the experience, character and finan- [fol. 439] cial ability of the applicant, statements of the existing member in support of his objection to the election of the applicant, and all other facts which in the judgment of the Board of Directors enabled the members thereof to determine whether the election of the applicant would tend to promote the best interests of The Associated Press and its membership as a cooperative association engaged in the collection and distribution of a complete, unbiased and accurate report of news.

35-pp. Admit.

35-qq. Admit.

35-rr. Deny, and state that the reason which determined the Board of Directors not to elect Feltus Printing Company to membership was that it would not be for the best interests of The Associated Press and its membership so to do. In reaching their determination, the Board of Directors took into consideration the character of the operation of the newspaper owned by the existing member in the field, including its coverage of local news to The Associated Press, the prospect for the successful operation of another newspaper in the same field, the experience, character and financial ability of the applicant, statements of the existing member in support of his objection to the election of the applicant, and all other facts which in the judgment of the Board of Directors enabled the members thereof to determine whether the election of the applicant would tend to promote the best interests of The Associated Press and its membership as a cooperative association engaged in the collection and distribution of a complete, unbiased and accurate report of the news.

35-ss. Admit.

35-tt. Admit.

35-uu. Deny, and state that the reason which determined the Board of Directors not to elect Oil Field Publishing Company to membership was that it would not be for the [fol. 440] best interests of The Associated Press and its membership so to do. In reaching their determination, the Board of Directors took into consideration the character of the operation of the newspaper owned by the existing member in the field, including its coverage of local news to The Associated Press, the prospect for the successful operation of another newspaper in the same field, the experience, character and financial ability of the applicant, statements of the existing member in support of his objection to the election of the applicant, and all other facts which in the judgment of the Board of Directors enabled the members thereof to determine whether the election of the applicant would tend to promote the best interests of The Associated Press and its membership as a cooperative association engaged in the collection and distribution of a complete, unbiased and accurate report of the news.

35-vv. Admit.

35-ww. Deny, and state that the Board deferred action on the application of the Endicott Bulletin, Inc. for membership in The Associated Press.

35-xx. Deny.

35-yy. Admit.

35-zz. Deny, and state that the Board referred the application of the Tribune Company to the annual meeting of the members of The Associated Press.

35-aaa. Deny

35-bbb. Admit.

35-ccc. Admit.

35-ddd. Admit.

35-eee. Admit.

35-fff. Admit.

[fol. 441] 36-a. Admit, but state that the quotation in Item 36-a is partial only and, moreover, is incorrect as to the

sequence in which the quoted matter appears in the report. The correct sequence and the context as contained in the report are as follows:

> *"Letters have been sent to all members during the year, and for the first quarter of 1933, announcing reductions and refunds in assessments. These communications form the record of accomplishment by the management through several years to put this cooperative association on a firm financial basis that it might withstand any emergency likely to confront it or its members.*
>
> "The policy of the present management has been to effect economies by justifiable retrenchments, elmination of unproductive expenses, curtailment of wires, and other reductions of transmission costs. Coupled with this effort we have sought to increase the membership, in fields where the recruiting did not infringe upon the home territories of existing members, that the costs might be more widely proportioned.
>
> *"The whole theory of mutual cooperation and news collection, wherein the members exchange their news, work best by having direct reciprocal access to the news of any community large enough to support an Associated Press newspaper.* Moreover, the larger the number of participants in a truly cooperative endeavor, the smaller the pro rata expense to each." (Italicized portions omitted in Government Request.)

36-b. Deny the truth of the statement contained in the quotation in Item 36-a: "Moreover, the larger the number of participants in a truly cooperative endeavor, the smaller the pro rata expense to each," on the ground that such statement is not and never has been true of The Associated Press except as read in connection with the sentence immediately preceding it in the report, which said preceding sentence is not quoted in Item 36-a of the Government Request for Admissions.

[fol. 442] 36-c. Admit.

37-a. Admit.

37-b. Admit.

37-c. Deny, on the ground that statements made by an applicant for membership in The Associated Press and statements made by an individual member of The Associated Press are not binding upon the defendants in this action, or any of them, other than the individual member making the statements, and are not competent or material to any issue in the proceeding.

37-d. Deny, on the ground that statements made by an applicant for membership in The Associated Press and statements made by an individual member of The Associated Press are not binding upon the defendants in this action, or any of them, other than the individual member making the statements, and are not competent or material to any issue in this proceeding.

37-e. Deny, on the ground that statements made by an applicant for membership in The Associated Press and statements made by an individual member of the Associated Press are not binding upon the defendants in this action, or any of them, other than the individual member making the statements, and are not competent or material to any issue in this proceeding.

37-f. Deny, and state that the report of the annual meeting of the members of The Associated Press in 1924 contained in the 25th volume of the annual reports of The Associated Press sets forth accurately the statements made at the said meeting concerning the application of the Baltimore Evening Sun for membership.

37-g. Admit.

37-h. Cannot truthfully either admit or deny the truth of the statements contained in Item 37-h, for the reasons that (1) the facts in respect thereof are not within the de- [fol. 443] fendants' knowledge, and (2) the means of ascertaining the facts concerning the solicitation of votes and proxies by every applicant for membership in The Associated Press during the last 20 years whose application was voted on by the members of the Associated Press and who failed of election, are not available to the defendants.

38-a. Admit.

38-b. Admit, except for the typographical error in the column headed "A.M. & Sunday," which should read for Chicago "3,342,30.61."

38-c. Admit.

38-d. Admit.

38-e. Admit.

38-f. Admit.

38-g. Admit, except for the typographical error in the column at the top of page 2 of Exhibit No. 25 headed "A.M." which should read for New York "$8,243,338.21."

38-h. Admit, with the correction set forth in the Response to Item 38-g.

38-i. Admit.

38-j. Admit.

38-k. Admit.

39-a. Admit.

39-b. Admit.

39-c. Admit.

39-d. Admit.

39-e. Admit.

39-f. Admit.

39-g. Admit.

[fol. 444] 39-h. Admit, and state that copies of the letters referred to in Item 39-h read as follows:

"Two Fifty Park Avenue, New York

November 15, 1941.

Mr. Robert McLean, President, Associated Press, Philadelphia Bulletin, Philadelphia, Pa.

Dear Mr. McLean:

The attached carbon copy of my letter to Mr. Gortatowsky will be self-explanatory.

In view of your interest I wished to advise you of the offer I am making.

With kindest regards,

Yours sincerely, (Signed Marshall Field".

"Copy

November 15, 1941.

Mr. J. D. Gortatowsky, Heart Newspapers, 959 Eighth Avenue, New York, N. Y.

DEAR MR. GORTATOWSKY:

Mr. Evans has advised me that you have been authorized by Mr. Hearst to negotiate the sale of the Hearst morning membership in the Associated Press of Chicago.

I am familiar with your and Mr. Evans conversations on this subject, and I assume you are, in a general way, familiar with subsequent conversations we have had with certain officials of the Associated Press. [fol. 445] I am anxious to purchase this membership at the earliest possible moment, provided the situation within your organization makes it practical for you to consider a price that I believe to be on the top side of a generous offer.

In an attempt to determine the amount of my offer, I have carefully considered all the factors involved. I am, in a general way, familiar with prices that have been paid in the past for somewhat similar memberships. Without going into all the details, I believe you would be interested in three major factors which have guided my judgment.

1. If I make this purchase I have an asset, which, except for my utility of it, has no probable value, because I believe that if we are unsuccessful in Chicago it will be a long time before new capital is again attracted for this venture.

2. The present attitude of the Courts makes the value of the membership far more hazardous than was the case prior to the last few years, and this hazard, to my mind, depreciates its value. It certainly is not my present desire to attempt to invalidate the Associated Press, but I have no assurance that someone else will not do so. And I am advised by competent legal authorities that any such attempt would almost surely be successful.

3. If I wait until the annual meeting in April I have perhaps better than an even chance of securing a membership through election rather than through purchase.

Based on the above and other considerations, I have decided to offer $250,000. cash for your Chicago membership, subject of course to the transfer of it by the Board of Directors to me. This offer is good for ten days from date, and I trust my attempt at frankness will have convinced you that I am sincere in my belief, that this is the maximum I should pay and that this offer is therefore subject only to acceptance or declination both as to price and time of the offer.

Due to Mr. McLean's interest on behalf of both of us, I am taking the liberty of sending him a copy of this letter.

Sincerely yours, (Sgd.) Marshall Field".

[fol. 446] 39-i. Admit.

39-j. Admit.

39-k. Admit.

39-l. Admit.

39-m. Admit.

39-n. Admit.

40-a. Admit.

40-b. Admit, and state that Marshall Field also solicited votes and proxies in favor of his election to membership in The Associated Press.

40-c. Admit, and state that proxies obtained by Marshall Field in favor of his election for membership in The Associated Press were voted in favor of his election.

40-d. Admit.

40-e. Admit.

40-f. Deny.

40-g. Deny.

40-h. Admit.

40-i. Admit.

40-j. Admit, but state that the quotation in Item 40-j, second paragraph, is incomplete and should read as follows:

"Mr. Evans told the meeting the application was made after he had negotiated unsuccessfully to buy a membership from 'a member of the Hearst organization' for $250,000. 'Whereupon,' Mr. Evans said, 'Mr. Field sent a letter to you all stating his desires for membership and asking for your proxies. I leave his statement with you.'

"Thomas J. White, *Chicago Herald-American*, clarified Mr. Evans reference to the Hearst morning mem- [fol. 447] bership negotiations by Mr. Field by explaining that the offer was inadequate. A total of $1,300,000 was paid for the morning membership and $100,000 for Sunday. *The 7-day indivisible morning membership could not be sold, Mr. White explained, without losing the Sunday right which the Herald-American uses.*

"'*There was nothing lax or subversive in not accepting the offer,' Mr. White declared. 'FBI officers questioned me for 45 minutes and I explained the situation satisfactorily to them.*'" (Italicized portion omitted in Government Request.)

40-k. Admit.

40-l. Admit.

40-m. Admit.

40-n. Admit, but state that approval of the years of service of members of the Board of Directors of The Associated Press, on the ground that experience gained over years on the board is valuable to The Associated Press membership, was also expressed on the floor at the annual meeting of the members of The Associated Press in April, 1942.

41-a. Admit.

41-b. Admit.

41-c. Admit.

41-d. Deny.

41-e. Deny.

41-f. Deny.

41-g. Admit.

41-h. Admit, except that the discontinuance referred to in the second paragraph of Exhibit 42 took place on December 31, 1941, as to others than members of The Associated Press, with the exception of The Federated Press, [fol. 448] The Jewish Daily Forward and The Catholic Observer as to which service was discontinued on February 7, 1942, and with the exception of Time, Inc. and certain foreign newspapers.

41-i. Admit, except that such discontinuance took place on December 31, 1941, as to others than members of The Associated Press, with the exception of The Federated Press, The Jewish Daily Forward and The Catholic Observer as to which service was discontinued on February 7, 1942, and with the exception of Time, Inc. and certain foreign newspapers.

41-j. Admit.

41-k. Admit, except that "December 11, 1941" should read "December 10, 1941".

41-l. Admit.

41-m. Admit, except that "February 6" should read "February 7".

41-n. Admit, except that "February 6" should read "February 7".

41-o. Admit.

41-p. Admit.

[fols. 449-450] *Duly sworn to by Robert McLean. Jurat omitted in printing.*

[fol. 451] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

[Title omitted]

SECOND REQUEST FOR ADMISSIONS

Plaintiff United States of America requests defendants The Associated Press, Paul Bellamy, George Francis Booth, John Cowles, William Hutchinson Cowles, Edward

King Gaylord, Houston Harte, Josh L. Horne, Clark Howell, Jr., Joseph Russell Knowland, Robert Rutherford McCormick, Robert McLean, Leonard Kimball Nicholson, Frank Brett Noyes, Paul Patterson, Stuart Hoffman Perry, E. Lansing Ray, Edward Hubert Butler, The Adrian Telegram, The A. S. Abell Company, Bulletin Company, The Constitution Publishing Company, Cowles Publishing Company, The Evening Star Newspaper Company, The Kansas City Star Company, The Oklahoma Publishing Co., The Register and Tribune Company, Rocky Mount Publishing Co., Globe Democrat Publishing Co., San Angelo Standard, Inc., The Times-Picayune Publishing Company, Tribune Company, The Tribune Publishing Co., [fol. 452] and Worcester Telegram Publishing Co., Inc., and each of them, to make on or before May 14, 1943, the following admissions for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial.

That each of the following statements is true:

1-a. Exhibit No. 1-A, annexed hereto and made a part hereof, is a correct copy of a statement, submitted to The Associated Press by its treasurer, of revenue and expense of The Associated Press for the months of November and December 1938, and for the years 1937 and 1938 (the red figure in said statement being set in italics in Exhibit No. 1-A).

1-b. Exhibit No. 1-B, annexed hereto and made a part hereof, is a correct copy of a statement, submitted to The Associated Press by its treasurer, of revenue and expense of The Associated Press for the months of November and December 1940, and for the years 1939 and 1940 (the red figures in said statement being set in italics in Exhibit No. 1-B).

1-c. Exhibit No. 1-C, annexed hereto and made a part hereof, is a correct copy of a statement, submitted to The Associated Press by its treasurer, of revenue and expense of The Associated Press for the months of November and December 1942, and for the years 1941 and 1942 (the red figure in said statement being set in italics in Exhibit No. 1-C).

1-d. Exhibits Nos. 1-A, 1-B, and 1-C are correct copies of certain financial statements furnished to the plaintiff by

counsel for The Associated Press in response to information called for by Interrogatory No. 117 of the interroga-
[fol. 453] tories served by the plaintiff on The Associated Press on January 26, 1943.

1-e. A report to The Associated Press by its Treasurer dated February 16, 1938, covering the month of January 1938 contains the following statement:

> The item of "departmental charges," entered as a deduction from general service expenses, represents the proportion of administrative salaries and expenses and Employees Benefit Fund contributions which is allocated to the feature, newsphoto, wirephoto, and state services.

1-f. A report to The Associated Press by its Treasurer dated April 16, 1941, covering the month of March 1941 contains the following statement:

> Broadcasting revenue for the year to date amounted to $60,000.00, compared with $24,000.00 for the corresponding period a year ago. However, effective April 1, revenue from sponsored broadcasting is being transferred to Press Association, Inc., leaving unsponsored broadcasting assessments, which we shall continue to collect, of approximately $3,000.00 monthly.

1-g. A report to The Associated Press by its Treasurer dated August 22, 1941, covering the month of July 1941 contains the following statement:

> The decrease of state service expenses arises from the fact that editorial salaries experimentally charged to state service during the last two years have been reclassified as a general service expense.

[fol. 454] 1-h. A report to The Associated Press by its Treasurer dated May 19, 1942, covering the month of April 1942 contains the following statement:

> Effective with April, a reserve fund is being accumulated at the rate of $25,000.00 monthly which it is proposed to use to write down the investment in Wide World News and Photos, Inc.

1-i. A report to The Associated Press by its Treasurer dated November 19, 1942, covering the month of October 1942 contains the following statement:

> On the basis of the new distribution of salaries between the general and state payrolls, which was reported to you last month, state service income, and costs have been brought into approximate balance. In the last two months revenue was $162,184.97, and expense $158,869.22.

1-j. The statements quoted in the preceding Requests for Admissions Nos. 1-e to 1-i, inclusive, are correct copies of portions of certain reports of the Treasurer of The Associated Press which were furnished to the plaintiff by counsel for The Associated Press in response to information called for by Interrogatory No. 117 of the interrogatories served by the plaintiff on The Associated Press on January 26, 1943.

2-a. Exhibit No. 2-A, annexed hereto and made a part hereof, is a correct copy of a letter dated April 8, 1941, written by Kent Cooper to the members of The Associated Press, which was printed as the first page of a folder which The Associated Press sent to its members on or about April 8, 1941.

[fol. 455] 2-b. Exhibit No. 2-B, annexed hereto and made a part hereof, is a correct copy of the first of the two inside pages of said folder, above which pages were printed the words "Beating the Challenge of Today With a Complete News Report."

2-c. A communication or document issued by The Associated Press in 1942 carrying at the top the following:

> AP-WW No. 1
>
> (Editors: This is the first of two stories for use in promoting your Wide World service.)

contains the following statements:

> Every reader of this newspaper is familiar with the reliability of The Associated Press, the world's great-

est newsgathering organization. Now, every reader also benefits from the added coverage of AP's correlated service, Wide World.

Through The Associated Press and Wide World, the (Name of Your Paper) receives not only the latest and most comprehensive coverage of the world's spot news events, but also the behind-the-scene stories which report new trends, weigh the significance of current happenings and record the human side of a world at war.

Kent Cooper, general manager of The Associated Press, dreamed many years ago of a separate news, feature, and photo service for AP members that would provide new approaches to the world's affairs. His idea was that the new service would augment, but never duplicate, the spot news stories daily provided [fol. 455] by The Associated Press. The AP and the new service would give member newspapers everything outside of local requirements.

His dream was gradually realized. He first set up a special service for Sunday issues of leased wire members, dealing in behind-the-news features. This service was expanded two years ago to supply similar material to morning and evening dailies and was called the Special News Service.

In August 1941, The Associated Press bought the long-established Wide World Photos from the New York Times. In December 1941, the Special News Service took the name of Wide World and became associated with Wide World Photos. In February 1942, The AP Feature Service took the name of Wide World Features.

2-d. A printed circular to editors describing Wide World Features, issued by The Associated Press in 1942, carries two forms of promotional ads, one of which contains the following statements:

Two great services—The Associated Press and Wide World—provide this newspaper with the world's most complete coverage of news, photos, features. No other combination offers so much—so fast—so accurately—to American readers.

2-e. A printed circular by The Associated Press since January 1, 1937, and carrying at the top the words "A Profile of the AP Feature Service" contains the following statements:

> The only feature service with full facilities for coverage—pictures, stories, columns, background—in every state and in foreign countries. AP Feature material [fol. 457] is obtained from Feature Service staff members and from members of The Associated Press general staff all over the world as well as from free lance writers and artists.
>
> The only service offering a full budget—comics and cartoons, daily columns, news features and pictures—on a cooperative basis. *You have a say—and savings*—in AP Features.
>
> The only service offering weekly a full-page matted picture story, a weekly matted news review, a weekly matted background map.
>
> The only service offering a complete, separate budget for both morning and afternoon newspapers.
>
> The only complete feature service available in whole or in part.

2-f. Exhibit No. 2-C, annexed hereto and made a part hereof, is a correct copy of certain statements contained in a circular issued by The Associated Press since January 1, 1937, which carries at the top the words "Wirephoto Promotion Story."

2-g. A printed circular relating to AP's telemat service which The Associated Press issued since January 1, 1937, and which carries at the top the words "A Staff That Never Sleeps" contains the following statements:

> This is the newsphoto desk in the world's largest news room, The Associated Press office in New York. • • • Here is the heart of the 20,000-mile Wirephoto system with picture-sending machines in 45 cities and with emergency facilities for picture transmission from other points. • • • It is the world's greatest picture service.

[fol. 458] 2-h. A printed circular relating to AP's telemat service which The Associated Press issued since January

1, 1937, and which carries at the top the words "The Indispensable Service" contains the following statements:

> Telemats provide the world's fastest matted news pictures.
>
> Telemats provide the only mat service which benefits from the AP Wirephoto system.
>
> Telemats provide you with more than 40 spot news mats weekly, dispatched from the closest of six regional matting points—Chicago, Atlanta, Kansas City, San Francisco, Dallas and New York. Telemats may be sent also from other emergency matting points.

2-i. The statements contained in Exhibits Nos. 2-A to 2-C, inclusive, and the statements quoted in Requests for Admissions 2-c, 2-d, 2-e, 2-g, and 2-h are correct copies of portions of certain circulars, brochures, or other similar material which were furnished to the plaintiff by counsel for The Associated Press in response to information called for by Interrogatory No. 56 of the interrogatories served by the plaintiff on The Associated Press on January 26, 1943.

3-a. Exhibit No. 3-A, annexed hereto and made a part hereof, is a correct copy of a map bearing at the top the words "AP Wirephoto Network Operations" issued by The Associated Press and dated November 1, 1938.

3-b. Exhibit No. 3-B, annexed hereto and made a part hereof, is a correct copy of a map of the AP news wire system issued by The Associated Press during the last 10 years.

[fol. 459] 3-c. Exhibits Nos. 3-A and 3-B are correct copies of maps which were furnished to the plaintiff by counsel for The Associated Press in response to information called for by Interrogatory No. 116 of the interrogatories served by the plaintiff on The Associated Press on January 26, 1943.

4-a. During the years 1901 to 1910, inclusive, applications for membership in The Associated Press filed by or on behalf of the owners of the newspapers listed in Exhibit No. 4-A, annexed hereto and made a part hereof, were rejected or denied by the Board of Directors of The Associated Press in the year or years shown on Exhibit No. 4-A.

4-b. Statements made in the annual reports of The Associated Press covering the years 1901 to 1910, inclusive, dis-

close or state that during said years the Board of Directors of The Associated Press rejected or denied applications for membership in The Associated Press filed by or on behalf of the owners of the newspapers listed in Exhibit No. 4-A.

4-c. During the years 1901 to 1910, inclusive, the Board of Directors of The Associated Press denied or rejected applications for membership in The Associated Press filed by at least 29 different applicants for membership, in cases in which the Board had jurisdiction to elect the applicant.

4-d. During the years 1911 to 1920, inclusive, applications for membership in The Associated Press, filed by or on behalf of the owners of the newspapers listed in Exhibit No. 4-B, annexed hereto and made a part hereof, were rejected or denied by the Board of Directors of The Asso- [fol. 460] ciated Press in the year or years shown on Exhibit No. 4-B.

4-e. Statements made in the annual reports of The Associated Press covering the years 1911 to 1920, inclusive, disclose or state that during said years the Board of Directors of The Associated Press rejected or denied applications for membership in The Associated Press filed by or on behalf of the owners of the newspapers listed in Exhibit No. 4-B.

4-f. During the years 1911 to 1920, inclusive, the Board of Directors of The Associated Press denied or rejected applications for membership in the Associated Press filed by at least 71 different applicants for membership, in cases in which the Board had jurisdiction to elect the applicant.

4-g. During the years 1921 to 1932, inclusive, applications for membership in The Associated Press filed by or on behalf of the owners of the newspapers listed in Exhibit No. 4-C, annexed hereto and made a part hereof, were rejected or denied by the Board of Directors of The Associated Press in the year or years shown on Exhibit No. 4-C.

4-h. Statements made in the annual reports of The Associated Press covering the years 1921 to 1932, inclusive, disclose or state that during said years the Board of Directors of The Associated Press rejected or denied applications for membership in The Associated Press filed by or on behalf of the owners of the newspapers listed in Exhibit No. 4-C.

4-i. During the years 1921 to 1932, inclusive, the Board of Directors of The Associated Press denied or rejected [fol. 461] applications for membership in The Associated Press filed by at least 57 different applicants for membership, in cases in which the Board had jurisdiction to elect the applicant.

5-a. Exhibit No. 5-A, annexed hereto and made a part hereof, is a correct copy of the provisions of a contract dated October 9, 1902, entered into between The Associated Press, Reuter's Telegram Company, Limited, Agence Havas, and Continental Telegraphen Compagnie.

5-b. Exhibit No. 5-B, annexed hereto and made a part hereof, is a correct copy of the provisions of a contract or treaty dated August 26, 1927, entered into between The Associated Press, Reuters Limited, Havas Agency and Continental Telegraphen Compagnie (Wolff's Telegraphisches Buro).

5-c. Exhibit No. 5-C, annexed hereto and made a part hereof, is a correct copy of a letter dated August 26, 1927, from Roderick Jones, Chairman and Managing Director of Reuters Limited, to Kent Cooper, General Manager of The Associated Press, relating to the contract or treaty, a copy of which is set forth in Exhibit No. 5-B.

5-d. The contract or treaty, a copy of which is set forth in Exhibit No. 5-B, remained in effect until December 31, 1931.

5-e. Exhibit No. 5-D, annexed hereto and made a part hereof, is a correct copy of the provisions of a contract or treaty dated February 13, 1932, entered into between The Associated Press, Reuters Limited, Havas Agency, and Continental-Telegraphen-Compagnie Wolff's Telegraph- [fol. 462] isches Buro Aktiengesellschaft.

6-a. Exhibit No. 6-A, annexed hereto and made a part hereof is a correct copy of the provisions of a contract dated February 8, 1934, entered into between The Associated Press and The United Press Associations.

6-b. Exhibit No. 6-B, annexed hereto and made a part hereof, is a correct copy of a letter dated October 5, 1936, from Kent Cooper, General Manager of The Associated

Press, to Hugh Baillie, President of The United Press Associations.

6-c. Exhibit No. 6-C, annexed hereto and made a part hereof, is a correct copy of a letter dated October 6, 1936, from Hugh Baillie to Kent Cooper.

John Henry Lewin, Charles H. Weston, Charles B. Rugg, Special Assistants to the Attorney General, Attorneys for Plaintiff.

[fol. 463]

EXHIBIT No. 1-A

Form TR 171M-10-38-T.

The Associated Press.

Statement of Revenue and Expense, Month of December 1938

	Current month	Last month	Year to date	Last year to date
Revenue:				
General service:				
General news	629,555.23	606,615.04	7,394,683.44	7,269,795.93
For Social Security taxes	18,676.66	18,657.28	224,294.56	130,251.63
Broadcasting	2,850.27	2,697.38	34,252.71	30,337.37
Differentials and penalties	4,921.75	4,889.12	61,480.19	77,472.61
Interest	6,528.04	6,527.87	78,335.09	80,560.38
	662,531.95	639,386.69	7,793,045.99	7,588,417.92
State service	76,867.67	82,484.07	752,073.29	762,819.72
Feature service	35,689.01	34,560.20	421,671.82	405,931.68
Wirephoto	97,366.78	93,988.96	1,137,774.55	1,119,447.25
News photo	65,064.58	62,783.10	758,852.76	652,098.10
Supplemental sports	27,507.69	12,385.19	197,789.86	216,554.52
Total revenue	965,027.68	925,588.21	11,061,208.27	10,746,269.19
Expense:				
General service:				
Domestic news collection	131,344.38	128,841.88	1,568,565.22	1,527,364.69
Foreign news collection	76,132.56	70,247.27	757,820.49	765,616.43
News distribution	386,043.01	359,526.08	4,488,763.31	4,356,061.76
Membership	4,609.13	4,411.51	99,458.24	115,819.21
Administrative	90,908.88	27,089.48	470,076.08	329,277.81
Employes benefit fund	119,173.85	24,858.48	357,361.57	386,424.06
Social Security taxes	16,456.55	18,657.28	222,074.45	132,495.85
	824,668.36	655,631.98	7,964,119.36	7,613,059.81
Less departmental charges	14,400.00	14,400.00	165,225.00	
	810,268.36	619,231.98	7,798,894.36	7,613,059.81
State service	76,382.00	99,581.08	920,640.52	814,239.79
Feature service	36,130.92	33,602.91	420,341.48	424,038.68
Wirephoto	92,479.85	89,261.96	1,117,147.90	1,117,544.32
News photo	53,107.80	59,298.93	694,988.19	664,162.23
Supplemental sports	11,993.00	7,406.40	409,195.82	113,224.36
Total expense	1,080,361.93	908,383.26	11,061,208.27	10,746,269.19
Net excess	115,334.25	17,204.95		
Carried forward			48,632.25	48,632.25
Balance			48,632.25	48,632.25

[fol. 464]

EXHIBIT No. 1-B

Form TR171M 4-40-T.

The Associated Press

Statement of Revenue and Expense, Month of December 1940

	Current month	Last month	Year to date	Last year to date
Revenue:				
General service:				
General news	645,899 83	625,858 83	7,582,397 13	7,427,001 66
For Social Security taxes	18,649 68	18,658 82	223,788 55	223,655 19
Broadcasting	24,718 08	16,004 37	144,866 51	57,256 65
Differentials and penalties	4,706 81	4,607 27	57,208 76	58,799 78
Interest	5,167 63	5,167 58	90,360 90	63,300 61
	699,142 03	670,296 87	8,098,641 85	7,830,013 89
State service	88,469 68	72,439 41	783,393 21	727,128 96
Feature service	39,085 52	37,282 81	444,518 00	432,066 08
Wirephoto	77,674 53	75,094 53	904,287 91	1,039,680 69
News photo	73,552 71	73,493 04	867,105 12	791,816 69
Supplemental sports	15,910 73	16,108 90	206,963 54	192,521 97
Total revenue	993,835 20	944,715 56	11,304,909 63	11,013,228 28
Expense:				
General service:				
Domestic news collection	89,182 45	89,940 29	1,091,688 75	1,323,758 19
Foreign news collection	85,277 65	72,236 98	1,047,383 81	1,013,897 91
News distribution	383,331 20	393,167 12	4,662,706 52	4,532,980 89
Membership	7,087 70	6,397 31	55,972 47	51,183 30
Administrative	20,336 85	36,292 63	411,924 02	429,286 71
Employes benefits	20,493 81	11,861 90	142,069 34	127,558 78
Social Security taxes	649 68	18,658 82	205,788 55	222,021 63
	606,359 34	628,555 05	7,617,533 46	7,700,687 41
Less departmental charges	17,650 00	17,650 00	204,750 00	211,650 00
	588,709 34	610,905 05	7,412,783 46	7,489,037 41
State service	120,046 52	148,206 51	1,472,016 58	1,188,507 99
Feature service	30,963 08	31,562 98	373,521 39	402,083 25
Wirephoto	77,393 73	86,497 88	948,208 73	1,075, 12 42
News photo	73,375 48	74,074 36	865,868 65	823,695 41
Supplemental sports	9,271 66	8,076,51	107,136 84	102,784 57
Total expense	899,759 81	959,323 29	11,179,535 65	11,081,321 05
Net excess	94,075 39	*14,607 73*	125,373 98	*68,092 77*

[fol. 465]

EXHIBIT No. 1-C

Form TR 17 A 1M 6-42 D.

The Associated Press

Statement of Revenue and Expense, Month of December 1942

	Current month	Last month	Year to date	Last year to date
Revenue:				
General service:				
News, photos and features	719,184.74	699,054.71	8,464,375.44	8,034,961.18
For Social Security taxes	18,471.51	18,452.78	222,146.12	223,084.20
Broadcasting	1,024.67	1,099.22	14,378.19	84,805.95
Differentials and penalties	12,072.36	13,816.46	164,461.88	56,188.27
Interest	4,646.02	4,645.97	55,362.85	67,293.06
	755,399.30	737,069.14	8,920,724.48	8,466,332.66
State service	108,701.14	74,039.76	947,438.37	834,649.47
Feature mats and postage	35,624.23	33,858.77	418,039.78	396,734.47
Wirephoto	76,125.16	74,639.69	892,907.80	889,438.62
Photo prints, mats and postage	48,132.22	45,992.14	543,942.32	701,698.99
Supplemental sports	12,649.82	27,448.66	193,807.63	202,657.26
Total revenue	1,036,631.87	993,048.16	11,916,860.08	11,491,511.47
Expense:				
General service:				
Collection—				
domestic news, photos and features	220,923.92	208,137.89	2,663,953.96	1,803,274.06
foreign news	127,487.07	104,829.77	1,088,210.76	1,141,884.10
News distribution	391,954.70	368,025.58	4,605,927.37	4,765,384.53
Membership	14,604.45	7,174.54	67,718.84	63,[illegible]6.40
Administrative	7,878.90	42,881.05	373,657.05	392,[illegible]2
Employes' benefits	21,172.59	10,212.55	127,305.19	124,22[illegible]68
Social Security taxes	18,471.51	18,452.78	222,146.12	223,084.20
	802,493.14	759,714.16	9,148,919.29	8,573,853.99
Less departmental charges	14,275.00	15,698.93	140,691.79	181,350.00
	788,218.14	744,015.23	9,008,227.50	8,392,503.99
State service	67,132.85	102,717.92	714,715.39	1,108,259.52
Feature mats and postage	33,402.42	28,864.65	374,774.17	336,393.42
Wirephoto	75,786.67	65,450.41	726,509.55	788,255.62
Photo prints, mats and postage	37,667.98	18,981.81	367,369.34	632,352.37
Supplemental sports	12,808.03	8,631.66	113,981.89	115,009.40
Total expense	1,015,016.09	968,661.68	11,305,577.84	11,372,774.32
Net amount added to Excess of Assessments held for Credit to Members	21,615.78	24,386.48	611,282.54	118,737.15
Less refund			622,781.74	
			11,499.20	

[fol. 466] EXHIBIT No. 2-A

The Associated Press

General Office

50 Rockefeller Plaza

New York, N. Y., April 8, 1941.

To Members of the Associated Press:

This letter and the pages which follow are in the nature of a report of progress. More and more we hear it said that newspaper readers not only demand prompt and accurate reporting of news events, but are eager also for interpretative and explanatory material to show how and why these events came about. To meet this need, your Association now is providing side by side two separate news services, the one devoted to spot developments, the other to the background.

In recent years many forward steps have been taken in the Associated Press spot news report, without special announcement to the members. The wire system has been streamlined to insure quicker delivery, the staff has developed a speed of operation unequaled anywhere, and writing has improved immeasurably. We all have grown accustomed to take superiority in this field for granted, but if anyone doubts the improvement he has but to turn back the pages, make comparisons, and see for himself.

Development of the sister effort to provide interpretative material through the Special News Service has now passed [fol. 467] far beyond the stage of experiment. Already this second service is recognized widely as the best in its field. It will continue to improve, with your help.

Some members have asked why this background service carries no A. P. credit. One reason is the desire to give the writers latitude of expression which, I regret to say, many members do not like to see in published dispatches credited to the A. P. The omission of the credit is partially in deference to that feeling. It is better that those who want this background material receive it without A. P. credit than not to receive it at all. If allowed to continue and improve it will ultimately take a fixed place in modern newspaper making as have many other developments which the present management has fostered.

Then, too, this is to be made a highly personalized service, belonging to the members themselves in the largest sense. We call it the S. N. S. for identification among ourselves and on the wires, but I suggest that any member who wants to take full advantage of the promotional possibilities either insert its own name in the credit line, such as "The (name of your paper) Special News Service," or use the writers' by-lines without further credit at all, thus building up these writers as its own. If you will do that, the service will eventually come to be as much of an asset to your property as, for example, the news picture service. The users thus will be the full beneficiaries.

I am happy to tell you that the Board has decided no special assessment will be imposed for the Special News [fol. 468] *Service. This means that you are receiving and will continue to receive two news services, meeting expertly the two prime news needs of present-day newspapers, for a single assessment.*

Sincerely yours, (Signed) K. C.

Kent Cooper.

[fol. 469] EXHIBIT No. 2-B

The AP News Service

Foreign: When you read on March 1 that German troops drove into Sofia in grey armored cars wearing regulation battle dress, it's a safe bet that you were looking at an AP dispatch, because AP came through from one to three hours ahead of others.

Sixty-six American overseas staff men, aided by scores of stringers, have been turning up beats like that regularly in the eighteen months of the War.

Here are just a few: Torpedoing of the *S. S. Athenia;* assassination of Premier Calinescu of Rumania; sinking of the battleship *Royal Oak;* the *Graf Spee* battle; Hitler's visit to Paris; the bombing of *Croydon;* the evacuation of Namsos; Russian invasion of Finland; Japanese adherence to the axis; arrival of Australians at Singapore.

Domestic: Have you noticed recently how many *new* domestic stories are appearing in both the AP day and night reports?

They're there because AP men have gone out to get them —particularly the *lighter* and *brighter* happenings of this war-torn world.

Where are they coming from? All over—from Fargo as well as Washington; from Baton Rouge as well as New York. AP men have gone straight to the soil and are turning over a brand new crop of home news.

[fol. 470] Their reports are readable because they have no writing "rules" except to be accurate, unbiased, decent, truthful, and interesting.

There is speed, too. Elimination of relays has brought hundreds of newspapers into direct contact with Washington and other big news centers—on a single news wire carrying the cream of the general report.

The Sports Report: Twenty-three full-time sports specialists produce most of it. Scores of news staff men aid them. It runs, on trunk wires, according to the season, from 20,000 to 50,000 words around the clock.

Baseball accounts for the heaviest run, but almost any sport you can name gets on the wires, including football, boxing, racing, basketball, golf, tennis, track and field, hockey, polo, rowing, swimming, wrestling, yachting, winter sports, and, yes, even badminton. More than a hundred papers are on special football wires; almost as many take a racing service.

Naturally, that means a lot of statistics, but that sports staff is turning out grand reading matter, too.

The Market Report: It's supreme in its field—this AP market and financial service—a recognized authority wherever papers are published. There is nothing comparable to it in speed, accuracy, quality or quantity.

Eighty percent of American papers using complete market tables print AP security prices. Two hundred trained employees prepare them, and 34,000 miles of leased wire carry 95,000 stock and bond quotations daily—the [fol. 471] biggest and fastest statistical job in newspaperdom.

Accompanying the statistics goes expertly written business and economic news by financial experts.

[fol. 472] EXHIBIT No. 2-C

The huge network of wires, set aside for use by The Associated Press WIREPHOTO alone, operates 18 hours daily,

constantly ready for any news break and ready to transmit news pictures to the (Name of Paper).

The identification or "caption" explaining the material contained in the picture is typed by an editor at the sending station on a strip of gummed paper and pasted to one end of the photographic print. The typewritten material in this caption is transmitted along with the picture in the same manner as the picture itself and at the same time.

Not more than 45 minutes time is consumed between the time a photographer steps into his darkroom at a sending station until a picture is in an editor's hands many miles away. This includes the time required for the news photographer coming in from his assignment to develop his film and print the picture, for the Wirephoto attendants at the sending point to transmit it and for other attendants at the receiving end to develop and print from the negative exposed by the clever combination of light and electricity that goes to make up Wirephoto.

All receiving stations on the network—serving 120 newspapers—can receive the same picture at the same time from the one print at the sending station. And there are about [fol. 473] 50 sending stations available to transmit pictures, a number of portable sending machines, also, being provided at strategic points, whence they can be rushed to any location.

Each station on the network is in direct connection with any or all the others by the same wire that carries the pictures and staff men can talk with one another about pictures planned to accompany the news, like this:

"New York," says an editor, "this is San Francisco. How soon do you expect to have those English pictures ready to move?"

"In about four minutes," replies the New York editor, continuing, "Did you hear that, Chicago? You were asking a moment ago."

"Yes, thanks," says the Chicago editor.

(Name of City) is in close touch with the main network station at (Insert Name of Your Transmitting Station) by telephone. After a quick call The (Name of Paper) receiver can be connected and in eight minutes a picture will be in The (Name of Paper) office to go with the news story that has come by another wire.

(Here follow two photolithographs, side folios 474 and 475)

EXHIBIT NO. 3-A

AP WIREPHOTO NETWORK OPERATIONS

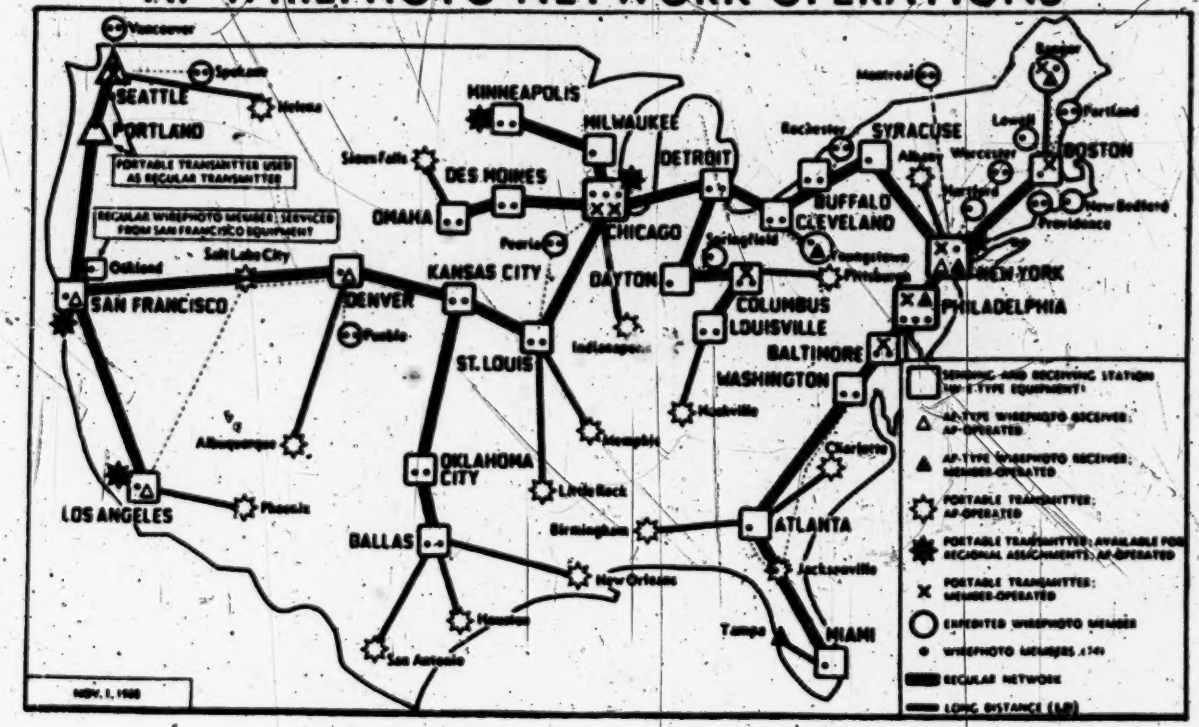
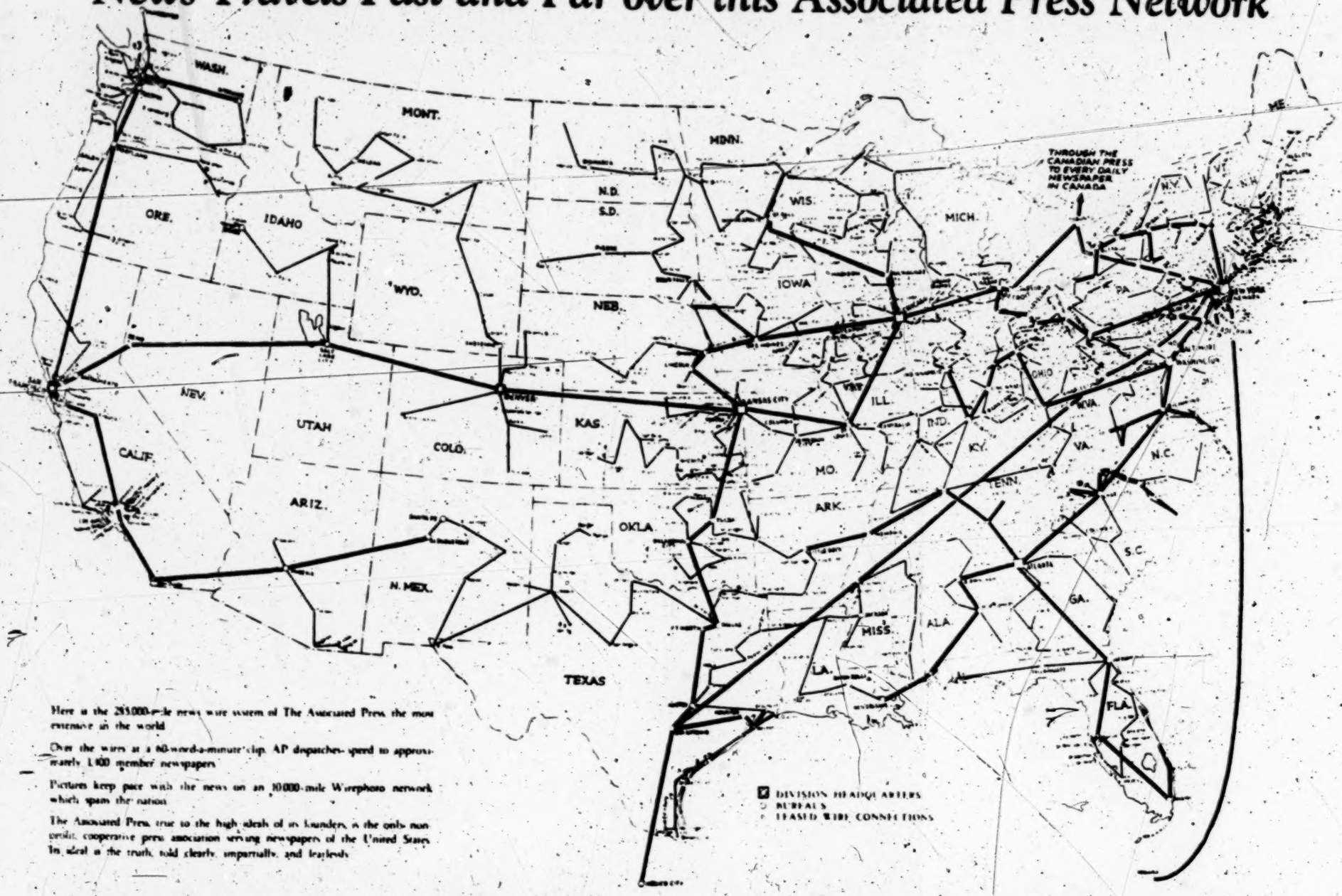


EXHIBIT NO. 3-B

News Travels Fast and Far over this Associated Press Network



Here is the 283,000-mile news wire system of The Associated Press, the most extensive in the world.

Over the wires at a 60-word-a-minute clip, AP dispatches speed to approximately 1,400 member newspapers.

Pictures keep pace with the news on an 80,000-mile Wirephoto network which spans the nation.

The Associated Press, true to the high ideals of its founders, is the only non-profit, cooperative press association serving newspapers of the United States. Its ideal is the truth, told clearly, impartially, and fearlessly.

The Associated Press Reports the News of the World Daily for This Member Newspaper

[fol. 476] EXHIBIT No. 4-A

Newspaper	Year in which Board of Directors denied application
New Bedford (Mass.) Times	1902
Norfolk (Va.) Dispatch	1904
Parkersburg (W. Va.) Dispatch	1905
Pittsburgh (Kans.) Times	1905
Lead (S. D.) Register	1905
Missoula (Mont.) Herald	1905
Meridian (Miss.) Dispatch	1905
Tampa (Fla.) Globe	1906
Hutchinson (Kans.) Times	1906, 1907
Freeport (Ill.) Bulletin	1906
Hattiesburg (Miss.) News	1906
Lowell (Mass.) Evening Telegram	1907
Chillicothe (Mo.) Tribune	1908
Fargo (N. D.) Morning News	1908
Prescott (Ariz.) Courier	1909
Courtland (Ariz.) Arizonian	1909
Ithaca (N. Y.) News	1909
San Angelo (Tex.) Press-News	1909
Pensacola (Fla.) Evening Review	1909
Lake Charles (La.) Press	1909
Richmond (Va.) Virginian	1909
Hutchinson (Kans.) Gazette	1910
Wenatchee (Wash.) Republic	1910
Minot (N. D.) Daily Reporter	1910
Rapid City (S. D.) Daily Gate City Guide	1910
White Plains (N. Y.) Morning Reporter	1910
Pottsville (Pa.) Journal	1910
Allentown (Pa.) Democrat	1910
Jersey City (N. J.) Jersey Journal	1910

[fol. 477] EXHIBIT No. 4-B

Waco (Tex.) Tribune	1911
Portland (Oreg.) Journal	1911, 1912, 1913, 1917, 1919
Richmond (Va.) Virginian	1911, 1914, 1915
Ithaca (N. Y.) Cornell Daily Sun	1911
Portland (Oreg.) Examiner	1911
Roswell (N. M.) Evening News	1911
Devils Lake (N. D.) Morning Call	1911

EXHIBIT No. 4-B—Continued

Newspaper	Year in which Board of Directors denied application
Allentown (Pa.) Democrat	1911, 1913
Marion (Ohio) Star	1911
Bridgeport (Conn.) Two Heralds	1912
Hot Springs (Ark.) New Era	1912
Palestine (Tex.) Record	1912
Laurel (Miss.) Chronicle	1913
Fitchburg (Mass.) Daily News	1913
Phillipsburg (N. J.) Press	1913
Hutchinson (Kans.) Gazette	1913
Mesa (Ariz.) Mail	1913
Dixon (Ill.) Leader	1914
Richmond (Va.) Evening Journal	1914
North Bend (Oreg.) Coast Daily Tide	1915
Jersey City (N. J.) Journal	1915
Jersey City (N. J.) News	1915
Brownsville (Tex.) Sentinel	1915, 1917, 1919
Idaho Falls (Idaho) Register	1916
Mitchell (S. D.) Gazette	1916, 1917
Wilson (N. C.) Dispatch	1916
Rochester (N. Y.) Herald	1916
Lakeland (Fla.) Star	1916, 1917
Tonopah (Nev.) Times	1916
Pittsburg (Kans.) Sun	1916
Fall River (Mass.) Independent	1916
Cairo (Ill.) Herald	1916
Bryan (Tex.) Herald	1916
Newark (N. J.) Morning Ledger	1917
New Bern (N. C.) New Bernian	1917, 1918
Enid (Okla.) Morning News	1917
Charleston (W. Va.) Leader	1917
Staunton (Va.) Daily News	1917
Lynn (Mass.) Telegram	1917
Nogales (Ariz.) Daily Morning Oasis	1917, 1918
Parsons (Kans.) Republic	1917
Fairmont (Minn.) Martin County Independent	1917
[fol. 478] Watertown (S. D.) Daily News	1918
Port Angeles (Wash.) Evening News	1918
Casper (Wyo.) Daily Tribune	1918
Moberly (Mo.) Daily Index	1918
Palm Beach (Fla.) News	1918

EXHIBIT No. 4-B—Continued

Newspaper	Year in which Board of Directors denied application
Port Arthur (Tex.) News	1918
Wichita Falls (Texas) Morning News	1918
Sheridan (Wyo.) Post	1919
Ybor City (Fla.) La Prensa	1919
Webb City (Mo.) Daily Sentinel	1919
Marietta (Ohio) Daily Journal	1919
New Kensington (Pa.) Star	1919
Palatka (Fla.) News & Advertiser	1919
Ashland (Pa.) News	1919
Pocatello (Idaho) News	1919
Oklahoma City (Okla.) Tribune	1919
Huron (S. D.) Daily News	1919
Austin (Tex.) Daily Texan	1919
Northampton (Mass.) Daily Herald	1919
Concord (N. H.) Patriot	1919
Mesa (Ariz.) Southside Union	1919
Gainesville (Fla.) News	1919
Eastland (Tex.) Chronicle	1920
Pawhuska (Okla.) Osage Journal	1920
Pocatello (Idaho) Idaho World	1920
Winchester (Ky.) Sun	1920
Norfolk (Va.) Tribune	1920
Nampa (Idaho) Free Press	1920
Oklahoma City (Okla.) Capital	1920
Paris (Tex.) Advocate	1920

[fol. 479] EXHIBIT No. 4-C

Elgin (Ill.) Daily Courier	1921
Greensburg (Pa.) Review	1921
Hagerstown (Md.) Daily Mail	1921
Hugo (Okla.) Free Press	1921
Elgin (Ill.) News	1921
Merced (Calif.) Star	1921
Nogales (Ariz.) Times	1921
Madison (Wis.) State Journal	1921
Winona (Minn.) Leader	1921
Winter Park (Fla.) Post	1921
Ft. Myers (Fla.) Tropical News	1921

EXHIBIT No. 4-C—Continued

Newspaper	Year in which Board of Directors denied application
Monterey (Calif.) Peninsula Daily Herald	1922
Bluefield (W. Va.) News	1922
Lakeland (Fla.) Star-Telegram	1922
Alexandria (Va.) Gazette	1923, 1924, 1925
Abbeville (S. C.) Medium	1923
New Bedford (Mass.) Times	1923, 1926
Nogales (Ariz.) Democrat	1923
Huntsville (Ala.) Star	1924
Bowling Green (Ky.) Times-Journal	1924
Danville (Pa.) Morning News	1924
Hattiesburg (Miss.) Morning Herald	1924
Hendersonville (N. C.) Daily Times	1924
Mooresville (N. C.) Sentinel	1924
Norwalk (Conn.) Hour	1925
Lawrence (Mass.) Eagle	1925
Lawrence (Mass.) Tribune	1925
Palm Beach (Fla.) World	1925
Hollywood (Fla.) News	1925
Key West (Fla.) Sun	1925
Key West (Fla.) Press	1925
Tallahassee (Fla.) State News*	1925
Tampa (Fla.) Telegraph	1925
Vero Beach (Fla.) Journal	1926
Columbus (Miss.) Discoverer	1926
Corpus Christi (Tex.) Times	1926
Parsons (Kans.) Republican	1926
Lima (Ohio) Republican-Gazette	1926
Poplar Bluff (Mo.) Interlake American	1926
Tallahassee (Fla.) Morning State	1926
Plattsburg (N. Y.) Republican	1927
[fol. 480] Lake Worth (Fla.) Leader	1927
Hopewell (Va.) News	1928
Palestine (Tex.) Press	1928
White Plains (N. Y.) Reporter	1929
Gallu (N. Mex.) Times	1929
Goose Creek (Tex.) Tribune	1929
Waynesboro (Va.) News-Virginian	1930

* Elected by Directors in 1926.

EXHIBIT No. 4-C—Continued

Newspaper	Year in which Board of Directors denied application
San Benito (Tex.) Light	1930
Camden (Ark.) Morning Times	1930
Malone (N. Y.) Franklin County Times	1930
Pampa (Tex.) Morning Times	1930
Sisterville (W. Va.) Daily Review	1930
West Chester (Pa.) Daily Local News	1930
Wenatchee (Wash.) Morning Sun	1930
Elizabeth (N. J.) Times-Herald	1930
Patchogue (N. Y.) Villager	1931
Huntsville (Ala.) Register	1932

[fol. 481] EXHIBIT No. 5-A

This Agreement, made and entered into this ninth day of October 1902, by and between the Reuter's Telegram Company, Limited, of London, England, a corporation incorporated under the laws of Great Britain, Party of the First Part; the Continental Telegraphen Compagnie of Berlin, Germany, a corporation organized under the laws of Prussia, Party of the Second Part; the Agence Havas of Paris, France, a corporation organized under the laws of France, Party of the Third Part; and The Associated Press, a corporation organized under the laws of the State of New York, United States of America, Party of the Fourth Part, Witnesseth:

That, in consideration of the sums of money hereinafter agreed to be paid, and of the covenants entered into by each of the contracting parties as hereinafter set forth, the parties hereto have covenanted and agreed by and with each other in manner following, that is to say:

1. The Party of the First Part shall from the first day of June 1903, and during the continuance of this agreement, supply to the agent or representative of the said The Associated Press in London, copies of all telegrams or other news matter furnished by the said Party of the First Part to any newspapers, periodicals, associations or individuals, simultaneously with the delivery of such news service to such newspapers, periodicals, associations or individuals.

[fol. 482] 2. The Party of the Second Part shall from the first day of June 1903, and during the continuance of this agreement, supply to the agent or representative of the said The Associated Press in Berlin copies of all telegrams or news matter furnished by said Party of the Second Part to any newspapers, periodicals, associations or individuals simultaneously with the delivery of such news service to such newspapers, periodicals, associations or individuals.

3. The Party of the Third Part shall from the first day of June 1903, and during the continuance of this agreement, supply to the agent or representative of the said The Associated Press in Paris, copies of all telegrams or other news matter furnished by said Party of the Third Part, to any newspapers, periodicals, associations or individuals, simultaneously with the delivery of such news service to such newspapers, periodicals, associations, or individuals.

4. The Party of the Fourth Part shall, from the first day of June 1903, and during the continuance of this agreement, supply to the agent or agents, representative, or representatives of the said Parties of the First, Second, and Third Parts in New York, copies of all telegrams or other news matter furnished by the said Party of the Fourth Part to any newspapers, periodicals, associations, or individuals, simultaneously with the delivery of such news service to such newspapers, periodicals, associations, or individuals.

5. Neither the said Party of the First, Second, or Third Part shall, during the terms of this contract, supply any news matter or telegrams, directly or indirectly, to any [fol. 483] person or newspaper in the United States of America or British North America except as hereinbefore provided, namely, to the agent or representative of the said Party of the Fourth Part, except that it shall be permissible for the said Party of the First Part to send British news to British North America on receiving the written authority of the said Party of the Fourth Part.

6. The said Party of the Fourth Part shall not, during the term of this contract, supply any news matter or telegrams directly or indirectly to any person or newspaper outside of the boundaries of North America, Cuba, Porto Rico, Central America, St. Thomas, St. Croix, Hawaiian Territory, the Philippine Islands, or any territory

which may hereafter be acquired by the United States of America, except as hereinbefore provided, namely, to the agents or representatives of the said Parties of the First, Second, and Third Parts in New York.

7. The said Party of the Fourth Part shall, during the continuation of this contract, pay to the said Party of the First Part, for and on account of the Parties of the First, Second, and Third Parts, the yearly sum of Two Thousand Four Hundred Pounds Sterling clear of all deductions, in equal monthly instalments of Two Hundred Pounds each, payable on the first day of July 1903, and on the first day of each subsequent month, up to and including the first day of January 1910, the said instalments to be payable to the said Party of the First Part in London or to such person or bank in New York as said Party of the First Part shall designate.

[fol. 484] 8. The said Party of the Fourth Part shall be entitled to have news forwarded free of commission direct to North America or to the London Office of the Party of the Fourth Part, solely for transmission to North America, from any of the regular or salaried correspondents of the Parties of the First, Second, or Third Parts, and the said Parties of the First, Second, and Third Parts reciprocally shall have the like right to have news forwarded free of commission direct to the head office or branch office of any of the First, Second, or Third Parts, by the regular salaried correspondents of the said Party of the Fourth Part.

9. All telegraphic expense for transmitting news intelligence to the United States or direct to the London Office of the said Party of the Fourth Part for the use and benefit of the said Party of the Fourth Part, shall be borne and paid by the said Party of the Fourth Part, and all telegraphic expense for transmitting intelligence to Europe or elsewhere on account of and by order of all or any of the said Parties of the First, Second, or Third Parts, shall be borne and paid by the party on whose order the news is transmitted.

10. The parties hereto shall have the right each to call upon each or all of the others for any telegraphic news analogous to but not comprised in the ordinary services of any of the parties so called upon, and to have such news solely on payment of the telegraphic tolls thereon from the point

of origin to the point where such news is delivered to the agent or office of the party ordering the same, and on paying the extraordinary expenses of obtaining the same when [fol. 485] there is no salaried agent of such party stationed at the point from which such news is to be sent.

11. Each of the parties hereto shall provide, gratuitously, suitable accommodation in the chief office of each at London, Berlin, and Paris, and New York, for the agents or representatives of each of the other parties hereto, and such agents or representatives shall be given free and unrestricted access to the news services at such offices as well as every facility for the prompt transmission of messages.

12. All questions, disputes or differences which may arise under this agreement shall be settled by arbitration; and should any such question, dispute, or difference arise between the said Parties of the First, Second or Third Parts on the one hand and the said Party of the Fourth Part on the other hand, then the said Parties of the First, Second and Third Part or the majority of them shall appoint one arbitrator and the said Party of the Fourth Part shall appoint another arbitrator, and the two arbitrators so appointed shall choose a third arbitrator, and the decision of the majority of such arbitrators shall be final and binding upon the parties to the controversy.

13. This agreement shall take effect upon the first day of June 1903, and shall terminate upon the 31st day of December A. D. 1909.

In witness whereof, the Party hereto of the First Part has hereunto affixed its corporate seal and has caused these presents to be signed by its Managing Director, and the Party hereto of the Second Part has hereunto affixed its [fol. 486] corporate seal and has caused these presents to be signed by its Director, and the Party hereto of the Third Part has hereunto affixed its corporate seal and has caused these presents to be signed by its Directeur, and the Party hereto of the Fourth Part has hereto affixed its corporate seal and caused these presents to be signed by its President and Secretary, the day and year first above written.

[fol. 487] EXHIBIT No. 5-B

Treaty

This Treaty made and entered into on the twenty-sixth day of August anno Domini 1927, at Geneva, between

(a) Reuters Limited, a Private Company with its Head Office in London, represented by Sir Roderick Jones, its Chairman and Managing Director, specially authorized by a resolution of the Board of Directors dated October 4, 1927, hereinafter styled Reuters;

(b) The Associated Press of America, a Corporation organized under the Laws of the State of New York with its Head Office in New York, represented by Mr. Kent Cooper, its General Manager, specially authorized by a Resolution of the Board of Directors dated April 22, 1927, hereinafter styled The Associated Press;

(c) The Havas Agency of France, a Limited Company with its Head Office in Paris, represented by Monsieur Andre Meynot, one of its Administrative Delegates, specially authorized by a Resolution of the Board of Directors dated September 14, 1927, hereinafter styled Havas; and

(d) The Continental Telegraphen Compagnie (Wolff's Telegraphisches Buro) of Germany, a Corporation organized under the Laws of Germany, with its Head Office in Berlin, represented by Dr. Heinrich Mantler, specially authorized by a Resolution of the Board of Directors dated [fol. 488] 12 November 1927, hereinafter styled Wolff, Witnesseth that:

Whereas the four Parties above-mentioned have regulated between themselves the exploitation of the world's news by a Convention which expires at the end of December 1927;

They have agreed to continue their joint and several relations as from January 1, 1928, in accordance with the following Articles:

Article I

Reuters shall have the exclusive news distribution field of the following territories:

The British Isles, Holland, Egypt, India, The Straits Settlements, Dutch East Indies, The Far East, South

Africa, Australia, New Zealand, and all other parts of the British Empire and British Mandated Territories,

with the reservation that The Associated Press shall have a free hand in British North America and the British West Indies.

Article II

The Associated Press shall have the exclusive news distribution field of the following territories:

North America and United States Possessions,

with the reservation that Reuters and Havas shall have a free hand in Canada and Mexico.

Further, The Associated Press shall have a free hand in Central America, South America, and Cuba.

[fol. 489] Article III

Havas shall have the exclusive news distribution field of the following territories:

France, Spain, Morocco, Portugal, Italy, South America (subject to the right of The Associated Press mentioned in Article II), and the Possessions, Colonies, and Protectorates of these countries, and French Mandated Territories.

Article IV

Wolff shall have the exclusive news distribution field of Germany.

Article V

Countries not embraced in the preceding four Articles and Central America and Cuba shall be reserved to Reuters and Havas, except as is provided in Article II above.

Article VI

In case any region becomes the Possession, Colony, or Mandated Territory of Great Britain, the United States, France, or Germany, or passes under the protection of any of these countries, that region shall become ipso facto incorporated in the territory reserved to the Party to whose country the region passes.

Article VII

(1) Each of the four Contracting Parties shall have the right to enter into direct relations for the exchange of their own territorial news with any Agency allied to one [fol. 490] or more of the other three Contracting Parties with the knowledge and consent of the Contracting Party in whose territory the Agency is situated, and such relations shall be governed by and be in strict conformity with the principles of this Treaty.

(2) The four Contracting Parties, individually and collectively, shall not supply political, social, general, financial, or commercial news to Agencies or other organizations which compete directly or indirectly with any one of the four Contracting Parties or their allies or which assist or are otherwise associated with competitors of the four Contracting Parties or their Allies.

Article VIII

(1) Each of the four Contracting Parties undertakes to place with the utmost possible expedition in its Head Office at the disposal of the three other Contracting Parties all the news political, social, and general which it possesses or receives, no matter whence the news may emanate. In so far as such news originates in the contractual territory of the Party, each of the other three Parties shall enjoy the exclusive rights to such news in its own contractual territory subject to the stipulations of Article X; but the utilization by the other three Parties of news which is received by one of the Parties from beyond its own contractual territory shall be the subject of a special arrangement between the Parties concerned. Where Financial and Commercial Services are desired they shall be the subject of a special arrangement between the Parties concerned.

[fol. 491] (2) So Far As Existing Contracts Permit, each of the four Contracting Parties undertakes that the Head Office of each Allied Agency within the territory of that Party shall place without charge and with the utmost possible expedition in its Head Office at the disposal of the representatives of the other three Contracting Parties all the news political, social, and general which the said Agency possesses or receives from its own contractual territory, and

each of the other three Contracting Parties shall enjoy the exclusive rights in its own territory of such news.

Article IX

(1) Each of the four Contracting Parties undertakes, if called upon to do so by one of the other Parties, to send to the Head Office or to one other office in the territory of that Party, from all points in the sending Party's own exclusive territory as defined in Article I, II, III, or IV as the case may be, where it has a branch office or a resident staff correspondent, such local news, political, social, and general at the disposal of the said branch office or correspondent as may be required by one or more of the other three Contracting Parties.

(2) This service (with the exception of what is provided in paragraphs 3 and 5 of this Article and in Article XI) shall be made without charge to the receiving Parties other than the cost of transmission from the point of despatch to the point of destination and disbursements, if any, incurred specially in the interests of the receiving Party or [fol. 492] Parties in respect of the collection or handling of the said news. The extent and the nature of the service shall be determined solely by the receiving Party whose instructions must be scrupulously observed.

(3) The foregoing shall apply only to points where the despatching Party has either a branch office or a resident staff correspondent. Where the Party has at the place from which news is desired only a correspondent who is paid according to the work done the receiving Party shall refund to the despatching Party its proportionate share of the payment made or, where the service is provided exclusively for the receiving Party, the whole payment, in addition to the other charges incurred in connection with the service.

(4) It is agreed that the obligation upon each Party to make to the other Parties a direct service from all points where it has a branch office or a resident staff correspondent, does not apply to points situated in countries which are not reserved to a Party but where, nevertheless, that Party maintains offices or correspondents. Where direct services from such points are required they shall be the subject of a special arrangement between the Parties concerned.

(5) A special representative despatched by one of the Parties whether to its own territory or outside its territory on a special mission (journey of the Chief of State, International Conference, military operations, etc.) is not a resident staff correspondent. Consequently he will not be bound to despatch direct services to the Head Offices [fol. 493] of the other Parties as set out above except by special arrangement between the Parties. But this shall not affect the rights which each Party enjoys under Article VIII, Clause 1, to all the news available at the Head Offices of the other three Contracting Parties.

Article X

(1) So far as existing contracts permit, each Party shall have the right of supplying supplementary services to newspapers in the territories of the other Parties, provided that such newspapers are subscribers to the full service of the Party in whose territory the newspapers are situated and are not approached or canvassed until the latter Party has been consulted. The charge to be made to each newspaper shall be fixed by the Party furnishing the service in consultation with the Party to whose territory the service is made and shall conform to the standard of subscriptions generally recognised in that territory. Fifty percent of the net subscription (being the subscription received from the newspaper less any extra expenses directly and specially necessitated by the conducting of the service to the newspaper) shall be credited to the Party in whose territory the receiving newspaper is situated and the remaining fifty per cent shall be retained by the despatching Party.

(2) In no case shall such services be other than supplementary to the main service of the Party to whose territory they are made; nor must the conducting of such services infringe directly or indirectly at any time the principle [fol. 494] fundamental to this Treaty that each Party for the purposes of exploitation in its own territory has, in its own territory, the first claim to and the exclusive rights of the news of the other three Parties originating in the contractual territories of the respective Parties.

Article XI

(1) In the case of a war or other happening which obliges one or more of the four Parties to establish a special service involving extraordinary expenditure by an Allied Agency, not being one of the four Contracting Parties, upon a correspondent or correspondents, telegraph charges, and other costs, the other Parties shall be entitled to receive such special service only if they bear a share of the expenditure. Such share shall be settled by agreement between the Parties concerned.

(2) In the event of no agreement being come to, the obligation shall remain upon the Party or Parties conducting the special service promptly to place in its or their Head Office or Head Offices at the disposal of the other Parties a general service summary which shall contain the essential facts carried in the special service.

Article XII

(1) Each of the Parties pledges itself to maintain a complete and efficient news service from various points in its own territory; but it shall not be under obligation to increase such service beyond its own requirements for the benefit of one or more of the other Contracting Parties [fol. 495] unless the latter undertakes to bear the additional cost incurred.

(2) Each Party undertakes to do its utmost to prevent its news falling into the hands of any correspondent, newspaper, or news organization which competes directly or indirectly with one or more of the other Parties or their allies.

Article XIII

Each of the Contracting Parties undertakes not to retransmit either directly or indirectly beyond the limits of its own contractual territory, the news which it receives from the other Parties either in its original form or otherwise, unless authorized to do so by the sending Party or Parties.

Article XIV

Each Party, compatibly with the proper working of its own organization, promises its goodwill to facilitate the work of the correspondents accredited to its Head Office by the

other Parties, but on the formal condition that these correspondents be the exclusive collaborators of one of the Parties, employed solely by and working only for the latter and consequently making no service, political or other, whether for the account of others or for the correspondents' own personal account either in the territory of the Party to whom they are accredited or elsewhere.

Article XV

(1) The four Contracting Parties pledge themselves to ensure the utmost cooperation not only between their Ad- [fol. 496] ministrations but also between their correspondents, with the object of presenting a united and vigorous front to all agencies and others who are in competition with the four Contracting Parties or their Allies.

(2) In fulfillment of this pledge each of the Parties undertakes to place its organization and its correspondents in its own contractual territory energetically at the disposal of the other Parties if and when they are confronted with competition or a news situation the handling of which appears to be outside the limitations of this Treaty, provided that any consequent expenditure is borne by the Party, or is allocated between the Parties, in whose interest action is taken.

Article XVI

All correspondence between one Party and the branch offices or correspondents of the other Parties is prohibited. All communications and instructions must be exchanged directly and solely between the Head Offices of the four contracting Parties.

Article XVII

Accounts shall be rendered by the Parties to each other every month, and settlement of such accounts shall take place at the latest one month after they have been rendered.

Article XVIII

Trade services such as Reuters' existing Trade Service are excluded from the operation of this Treaty.

[fol. 497] Article XIX

The four Contracting Parties undertake where necessary to execute new contracts with Allied Agencies within their

own territory so soon as the existing contracts can be terminated, and to introduce in such new contracts a provision for the carrying out of any obligations undertaken in this Treaty for the performance of which provision has not already been made.

Article XX

It is agreed that any two or more of the four Contracting Parties may make separate and subsidiary Agreements between themselves provided that such Agreements relate solely to the territories of the Parties making the Agreements and are consistent in all respects with the interests of the other Parties and with the spirit as well as the letter of this present Treaty.

Article XXI

In case of dispute among the Parties, each shall nominate within three months an Arbitrator, and the Arbitrators shall forthwith appoint an Umpire. The Arbitration Board thus constituted shall fix the place of its meeting and shall decide without appeal all differences which may arise between the Parties.

Article XXII

This Treaty shall be effective as from January 1, 1928, and shall terminate on the expiry of one year's notice given by any one of the four Parties on June 30 or December 31 in any year.

[fol. 498] EXHIBIT No. 5-C

Strictly Confidential

Geneva, August 26, 1927.

DEAR MR. KENT COOPER:

As the Treaty which you and I have now completed here with Havas and Wolff supersedes the Understanding we came to in New York last October, I have pleasure in confirming that I accept on behalf of Reuters the following Condition as a supplement to the Treaty:

> The Associate Press to have free entry into Japan to serve only Reuters' ally in Japan or/and its members or/and clients with the consent of Reuters' ally.

If Reuters' ally in Japan should elect to replace Reuters' service wholly or in part with the Associated Press service then the Associated Press shall pay Reuters the whole or the proportionate amount of the service charge as the case may be which the Japanese Agency pays Reuters at the time of the replacement and the Associated Press will continue to pay wholly or proportionately this service charge to Reuters as long as the Japanese Agency continues to take the Associated Press service. Any news that the Associated Press sends to Japan shall be available to Reuters in Japan for Reuters to disseminate elsewhere in their Far Eastern territory.

It is agreed that in any negotiations between the Associated Press and the Japanese under the above Condition, Reuters' [fol. 499] territoriality in Japan shall be recognized; that such negotiations shall be initiated through the intermediary of Reuters in London; and that Reuters shall be kept duly informed of any arrangements come to from time to time with their Japanese ally or with Japanese newspapers by the Associated Press.

Yours sincerely, (Signed) Roderick Jones, Chairman and Managing Director.

Kent Cooper, Esq.

[fol. 500] EXHIBIT No. 5-D

Four Party Treaty

This Treaty made and entered into on the thirteenth day of February, Anno Domini 1932, in London, Between

(a) The Associated Press of America, a Corporation organized under the Laws of the State of New York, with its Head Office in New York, represented by Mr. Kent Cooper, its General Manager, specially authorized by a Resolution of the Board of Directors dated January 14, 1932,

(b) Reuters, Limited, a Private Company, with its Head Office in London, represented by Sir Roderick Jones, its Chairman and Managing Director, specially authorized by a Resolution of the Board of Directors dated March 8, 1932,

(c) The Havas Agency of France, a Limited Company, with its Head Office in Paris, represented by M. Andre Meynot, one of its Directors, specially authorized by a Resolution of the Board of Directors dated February 1, 1932,

(d) The Continental-Telegraphen-Compagnie Wolff's Telegraphisches Buro Aktiengesellschaft, with its Head Office in Berlin, represented by Dr. Hermann Diez, one of its Directors, specially authorized by a Resolution of the Board of Directors dated January 29, 1932,

Witnesseth That:

Whereas the four Parties above-mentioned have regulated between themselves the collection and dissemination [fol. 501] of the world's news by a Treaty which expires at the end of December 1931;

They Have Agreed to continue their joint and several relations as from January 1, 1932, in accordance with the following Articles:

Article I

(1) Each Contracting Party undertakes to deliver to the other Contracting Parties the general news which it receives from its National Territory as well as the national news reaching it from the News Agencies known as Allied Agencies which are in contractual relation with the said Party and which hereafter are styled Allied Agencies. The news shall be delivered with the utmost possible expedition to the accredited representatives of the other Contracting Parties at the Head Office of the Delivering Party and, in the case of Allied Agency news, either at the said Head Office or at the Head Office of the Allied Agency or at both. The accredited representatives shall handle the news in accordance with the conditions laid down in Article III.

(2) If any Contracting Party requires commercial or financial news from another Contracting Party the supplying of it shall form the subject of a special arrangement.

Article II

The National Territory of each Contracting Party shall be the Home Territory thereof, its Possessions, Dominions, Colonies, Protectorates, and Mandated Territories. The [fol. 502] Home Territory shall be the country in which the Head Office of the Contracting Party is located.

Article III

The news of a Contracting Party or of an Allied Agency which is placed at the disposal of a Contracting Party in terms of Article I shall not be transmitted by one of the other Contracting Parties from the National Territory of the first Contracting Party or of the Allied Agency except to the other Contracting Party's National Territory but it may be relayed from the latter Party's territory to any other territory, so far as existing Contracts permit and in conformity with the stipulations of the present Treaty, except the National Territory from which the news originates.

Article IV

(1) Each of the Contracting Parties has the right of making (directly or through a subsidiary Company) arrangements relating either to an exchange of news with differentials independently agreed upon or, if it prefers, to the sale of its own services, with newspapers who are now or later become clients or members of any of the Contracting Parties or, insofar as present Contracts permit, with newspapers who are now or later become clients or members of Allied Agencies. It is understood that the aim of the Contracting Parties will be to bring all their Contracts with Allied Agencies into line with this Treaty.

(2) The news to be delivered to the newspapers under this Clause shall be such news as is collected from any place in the world independently by the correspondents of the Agency making the delivery.

[fol. 503]

Article V

The four Contracting Parties, individually and collectively, shall not supply any information or news whatsoever, political, social, general, sporting, financial, or commercial, to Agencies or other organisations which compete directly or indirectly with any one of the four Contracting Parties or their Allies or which assist or are otherwise associated with competitors of the four Contracting Parties or their Allies.

Article VI

Subject to the stipulations of Article IV, each of the Contracting Parties and each of the Allied Agencies shall

enjoy, in its own National Territory, the exclusivity of the news which is supplied to it by the other Contracting Parties originating in the National Territories or in the national territory of an Allied Party, in conformity with Article I.

Article VII

(1) Each of the four Contracting Parties undertakes, if called upon to do so by one of the other Parties, to send to the Head Office or to one other office in the National Territory of that Party, from all points in the sending Party's National Territory where it has a branch office or a resident staff correspondent, such news, political, social, and general originating in such National Territory at the disposal of the said branch office or correspondent as may be required by one or more of the other three Contracting Parties.

[fol. 504] (2) This service (with the exception of what is provided in paragraphs 3 and 5 of this Article and in (Article VIII)) shall be made without charge to the receiving Parties other than the cost of transmission from the point of despatch to the point of destination, and disbursements, if any, incurred specially in the interests of the receiving Party or Parties in respect of the collection or handling of the said news. The extent and the nature of the service shall be determined solely by the receiving Party whose instructions must be scrupulously observed.

(3) The foregoing shall apply only to points where the despatching Party has either a branch office or a resident staff correspondent. Where the Party has at the place from which news is desired only a correspondent who is paid according to the work done the receiving Party shall refund to the despatching Party its proportionate share of the payment made or, where the service is provided exclusively for the receiving Party, the whole payment, in addition to the other charges incurred in connection with the service.

(4) It is agreed that the obligation upon each Party to make to the other Parties a direct service from all points where it has a branch office or a resident staff correspondent, does not apply to points situated outside that Party's National Territory but where, nevertheless, that Party maintains offices or correspondents. Where direct services from

such points are required they shall be the subject of a special arrangement between the Parties concerned.

[fol. 505] 5. A special representative despatched by one of the Parties whether to its own territory or outside its territory on a special mission (journey of the Chief of State, International Conference, military operations, etc.) is not a resident staff correspondent. Consequently he will not be bound to despatch direct services to the Head Offices of the other Parties as set out above except by special arrangement between the Parties. But this shall not affect the rights to the news available to each Party at the Head Office of the other three Contracting Parties, as specified in Article I.

Article VIII

(1) In the case of a war or other happening which obliges one or more of the four Parties to establish a special service involving extraordinary expenditures by an Allied Agency, not being one of the four Contracting Parties, upon a correspondent or correspondents, telegraph charges, and other costs, the other Parties shall be entitled to receive such special service only if they bear a share of the expenditure. Such share shall be settled by agreement between the Parties concerned.

(2) In the event of no agreement being come to the obligation shall remain upon the Party or Parties conducting the special service promptly to place in its or their Head Office or Head Offices at the disposal of the other Parties a general service summary which shall contain the essential facts carried in the special service.

[fol. 506] Article IX

(1) Each of the Parties pledges itself to maintain a complete and efficient news service from various points in its National Territory but it shall not be under obligation to increase such service beyond its own requirements for the benefit of one or more of the other Contracting Parties unless the latter undertakes to bear the additional cost incurred.

(2) Each Party undertakes to do its utmost to prevent its news falling into the hands of any correspondent, news-

paper, or news organisation which competes directly or indirectly with one or more of the other Parties or their Allies.

Article X

Each Party, compatibly with the proper working of its own organisation, promises its goodwill to facilitate the work of the correspondents accredited to its Head Office by the other Parties, but on the formal condition that these correspondents be the exclusive collaborators of one of the Parties, employed solely by and working only for the latter and consequently making no service, political or other, for the account of others or for the correspondents' own personal account either in the territory of the Party to whom they are accredited or elsewhere.

Article XI

(1) The four Contracting Parties pledge themselves to ensure the utmost cooperation not only between their Administrations but also between their correspondents, with [fol. 507] the object of presenting a united and vigorous front to all agencies and others who are in competition with the four Contracting Parties or their Allies.

(2) In fulfillment of this pledge each of the Parties undertakes to place its organisation and its correspondents in its own National Territory energetically at the disposal of the other Parties if and when they are confronted with competition or a news situation the handling of which appears to be outside the limitations of this Treaty, provided that any consequent expenditure is borne by the Party, or is allocated between the Parties, in whose interest action is taken.

Article XII

All correspondence between one Party and the branch offices or correspondents of the other Parties is prohibited. All communications and instructions must be exchanged directly and solely betwen the Head Offices of the four Contracting Parties.

Article XIII

Accounts shall be rendered by the Parties to each other every month, and settlement of such accounts shall take place at the latest one month after they have been rendered.

Article XIV

The following are excluded from the operation of this Treaty: (a) Trade Services such as Reuters' Trade Service: (b) Special Feature Services such as the Associated Press Feature Service: (c) News Photo Services such as The Associated Press News Photo Service: (d) any news [fol. 508] which each Contracting Party collects from outside its National Territory and which does not originate with an Allied Agency. The foregoing may be the subject of special agreements between the Parties.

Article XV

It is agreed that any two or more of the four Contracting Parties may make separate Agreements between themselves or with an Allied Agency provided that such Agreements are consistent in all respects with the interests of the other Parties and with the spirit of this present Treaty.

Article XVI

In case of dispute among the Parties, each shall nominate within three months an Arbitrator, and the Arbitrators shall forthwith appoint an Umpire. The Arbitration Board thus constituted shall fix the place of its meeting and shall decide without an appeal all differences which may arise between the Parties.

Article XVII

This Treaty shall be effective as from January 1, 1932, and shall terminate on the expiry of six months' notice given by any one of the four Parties on June 30 or December 31 in any year.

[fol. 509] EXHIBIT No. 6-A

This Contract made and entered into this eighth day of February 1934, Between The Associated Press, incorporated in the State of New York, with its principal office in New York City, N. Y., and The United Press Associations, incorporated in the state of New York, with its principal office in New York City, N. Y., Witnesseth That:

Whereas both parties hereto not approving nor wishing to sustain the practice of European agencies which at the

dictation of one or more of them hinder international news exchange by making exclusive arrangements for the availability of their news, and not desiring to seek a selfish advantage which, if acquired, would only contribute to prevent the fulfilment of the object herein sought, and for the purpose of obtaining a freer flow of international news exchange, do hereby unite in a common effort to open up a free and unhampered availability of the news of Europe and the British Isles. In order to bring this about, and for that purpose and to that extent only, they both in a spirit of common welfare agree:

Definitions

The term "European Agency" shall be construed to include, other than the signatories hereto, any news agency or governmental activity located in any European country, [fol. 510] or in the British Isles, which collects or issues news of such European country or countries, except that it shall not include The Associated Press of Great Britain, The Associated Press of Germany, The United Press Duetschland, The British United Press, or any subsidiary or affiliate or either party now existing or hereafter established.

The term "Contract" shall mean an agreement, arrangement, or treaty of any kind, whether in writing or not, for the purpose of Obtaining news in contra-distinction to the Dissemination of news by sale or otherwise.

Article I

Neither party shall endeavor to contract, nor contract nor operate, directly or indirectly, through any subsidiary, affiliate, or otherwise, with any European agency for availability of such European agency's news to the exclusion of availability to the same extent to the other party and upon the same terms.

Article II

Neither party will make a contract with any European agency that cannot be terminated on ninety (90) days' notice, except by written consent of the other party.

Article III

If a European agency has or makes a contract with an outside party through which outside party one of the parties

hereto might have, or may later have rights to or availability of the news of such European agency thus indirectly, whether availed of or not, the party hereto having such [fol. 511] rights and availability guarantees that it will either not avail itself thereof in any particular or will obtain equal availability for the other party at any time the latter so desires. Such availability shall be upon terms consistent with the terms of this contract, and the procedure in the endeavor to secure such availability shall be followed as specified herein, but pending satisfactory conclusion of such procedure neither party will avail itself of such European agency's news in any manner.

Article IV

Either party which may now have a contract or arrangement with any European agency which prohibits the other party hereto equal access will notify such European agency that it waives any objection and cancels any right of protest to the other party having equal access to such European agency's news but upon the same terms. If upon application of the other party hereto such European agency refuses or delays to contract with the applicant in the manner herein outlined, the party having such contract shall, upon the request of the applying party, promptly proceed in conformity with Article V.

Article V

If any European agency with which one of the parties hereto may have, or shall at any time acquire a contract, shall impose such terms or delays as the other party not contracted therewith and desiring equal availability, asserts to be unfair, the party having such contract shall seek [fol. 512] equal terms of availability for the other party hereto, and upon failing to obtain them shall promptly take appropriate action to cancel and discontinue its contract with such European agency. But if such contract is cancelled neither party shall thereafter contract with that European agency without the consent of the other party hereto in writing first having been given.

Article VI

If as a result of any action it takes because of this contract either party shall be denied traffic facilities or suffer

traffic delays, or be subjected to unfair censorship or to any other disadvantage, the party not thus affected will not seek, accept, or maintain any advantage denied the other party.

Article VII

This contract does not include Rengo or Nippon Dempo of Japan, unless and until these two Japanese agencies are merged, or until there exists a monopoly by a Japanese agency, or unless there is only one dominating or leading news agency in Japan; when either of those two things happens both parties to this agreement shall cooperate to see that each party hereto that desires it shall promptly receive rights and privileges to the news of such Japanese agency in the same manner, and to be affected in the same terms as apply herein to European agencies.

Article VIII

The Associated Press, party hereto, declares that all of its present exclusive arrangements with European agencies, [fol. 513] with the exception of Stefani of Italy, and Tass of Russia, terminate on March 31, 1934. No provisions of this contract can, therefore, apply to the unexpired terms of such contracts as expire on that date. If, for any reason, the termination date of such contracts is extended beyond March 31, 1934, such extension shall positively terminate not later than June 30, 1934. Thus, the terms of this contract shall apply to relations with the foregoing agencies not later than June 30, 1934. The Associated Press contract with Stefani, of Italy, and Tass, of Russia, may be terminated at the end of 1934, but meanwhile The Associated Press agrees it shall notify Stefani of Italy, and Tass, of Russia, that it waives objection to The United Press Associations, party hereto, having equal terms of availability to the news of Stefani and Tass. Thus, the terms of this contract shall apply to relations with Tass and Stefani at once, if the latter are agreeable, or in any case, not later than December 31, 1943. The Associated Press, party hereto, declares it has no other exclusive news availability contracts in Europe or the British Isles.

Article IX

The United Press Associations, party hereto, hereby declares it has no contracts for the exclusive availability of

the news of any European agency and that any future contracts shall be made in conformity with this agreement.

Article X

The Associated Press, party hereto, guarantees that its subsidiaries, or affiliates, The Associated Press of Great [fol. 514] Britain, and The Associated Press of Germany, or any subsidiary, or affiliate, that it may create, will not make exclusive news availability contracts for any territory with any European agency; and further that they will not in any respect operate inconsistently with the terms and intent of this contract.

Article XI

The United Press Associations, party hereto, guarantees that the British United Press, United Press Deutschland or any subsidiary or affiliate of United Press Associations, of British United Press, or of United Press Duetschland, now existing or hereafter created, will not make exclusive news availability contracts for any territory with any European news agency, and further that they will not in any respect operate inconsistently with the terms and intent of this contract.

Article XII

Whenever either party shall enter into a contract or arrangement with a European agency, such party shall, as soon as possible and not later than sixty (60) days after the execution thereof, file a copy of such contract with the other party.

Article XIII

If the International News Service shall at any time desire to join in this agreement its signature hereto shall constitute it a party hereto with the same force and effect as The Associated Press and The United Press Associations.

[fol. 515] Article XIV

This contract shall continue in effect for five years from the date hereof and shall renew itself thereafter unless notice of a desire to terminate it shall have been given by either party to the other by registered mail two years before the expiration of the initial five-year term, and shall be ter-

minable thereafter at any time upon two years' notice from either party to the other by registered mail.

Article XV

This contract is signed in duplicate by the respective President and Secretary of The Associated Press and by the President and Vice Chairman of the Board of Directors of The United Press Associations, and is subject to the approval of the Board of Directors or Executive Committee of the respective parties hereto.

[fol. 516] EXHIBIT No. 6-B

October 5, 1936.

Personal. Via Registered Mail

Mr. Hugh Baillie,
United Press Association,
220 East 42nd Street, New York City.

Dear Hugh: I have been wanting to get in touch with you to explain that we feel it desirable to give notice of termination under the contract of February 8, 1934, which notice must be given by registered mail in accordance with Article 14. So that I won't have to write any more letters I am sending this by registered mail in conformity with the contract.

I personally believe that this primary period has fully met our mutual needs and therefore it has served the purpose for which it was made. In cancelling it I only feel that I do not want to tie my successor to the policy if something should happen to me in the next four years.

As Mr. Hawkins was in on the original discussion I am enclosing a copy of this to him personally and I would be glad to talk with you or with him at any time as always.

For the formality of the thing please acknowledge receipt.

With kindest regards, I am,

Sincerely yours, (S) Kent Cooper.

Kent Cooper.
(cc Mr. W. W. Hawkins.)

[fols. 517-527] EXHIBIT No. 6-C

United Press Associations
Incorporated in New York

GENERAL OFFICES
News Building, New York City

Hugh Baillie,
President

October 6, 1936.

Mr. Kent Cooper,
General Manager,
Associated Press, 383 Madison Ave.,
New York, N. Y.

Dear Kent: This will acknowledge your registered letter of October 5, 1936, in which you advise us that you desire to give notice of termination of the contract of February 8, 1934, between the Associated Press and the United Press.

Therefore, we will regard the contract as ending on February 8, 1939, unless other arrangements are made in the meantime. Perhaps we can reopen the matter later.

As I told you on the telephone, I regret that you feel it necessary to terminate this agreement which I believe is an advantageous instrument for both of us. However, I understand the reasons which have caused you to take this step.

With all good wishes,

Sincerely yours, (S) Hugh Baillie.

HB:F.

[fol. 528] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

[Title omitted]

RESPONSES OF THE ASSOCIATED PRESS, ET AL., TO ADDITIONAL REQUEST FOR ADMISSIONS

The defendants The Associated Press, Paul Bellamy, George Francis Booth, John Cowles, William Hutchinson Cowles, Edward King Gaylord, Houston Harte, Josh L.

Horne, Clark Howell, Jr., Joseph Russell Knowland, Robert McLean, Leonard Kimball Nicholson, Frank Brett Noyes, Paul Patterson, Stuart Hoffman Perry, E. Lansing Ray, Edward Hubert Butler, The Adrian Telegram, The A. S. Abell Company, Bulletin Company, The Constitution Publishing Company, Cowles Publishing Company, The Evening Star Newspaper Company, Forest City Publishing Company, The Kansas City Star Company, The Oklahoma Publishing Co., The Register and Tribune Company, Rocky Mount Publishing Co., Globe Democrat Publishing Co., San Angelo Standard, Inc., The Times-Picayune Publishing Company, The Tribune Publishing Co., and Worcester Telegram Publishing Co., Inc., for the purposes of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial, make the following responses to the thirty-nine items contained in [fol. 529] the additional Request for Admissions served upon counsel for the above entitled defendants by the plaintiff.

Responses

1-a. Admit but state that the Treasurer's statement referred to in item 1-a was prepared for the consideration of the directors of The Associated Press.

1-b. Admit but state that the Treasurer's statement referred to in item 1-b was prepared for the consideration of the directors of The Associated Press.

1-c. Admit but state that the Treasurer's statement referred to in item 1-c was prepared for the consideration of the directors of The Associated Press.

1-d. Admit but state that the copies of financial statements referred to in item 1-d are only a portion of the financial statements furnished to plaintiff by counsel for The Associated Press.

1-e. Admit but state that the report referred to in item 1-e was prepared for the consideration of the directors of The Associated Press.

1-f. Admit but state that the report referred to in item 1-f was prepared for the consideration of the directors of The Associated Press.

1-g. Admit but state that the report referred to in item 1-g was prepared for the consideration of the directors of The Associated Press.

1-h. Admit but state that the report referred to in item 1-h was prepared for the consideration of the directors of The Associated Press.

1-i. Admit but state that the report referred to in item 1-i was prepared for the consideration of the directors of The Associated Press.

1-j. Admit.

[fol. 530] 2-a. Admit but state that the letter referred to in item 2-a was prepared for use in an advertising circular, a true and correct copy of which is attached hereto and marked Exhibit A.

2-b. Admit and state that a true and complete copy of the advertising folder entitled "Meeting the Challenge of Today with a Complete News Report" referred to in item 2-b is attached hereto and marked Exhibit A.

2-c. Admit and state that a true and complete copy of the advertising circular referred to in item 2-c is attached hereto and marked Exhibit B.

2-d. Admit and state that a true and complete copy of the advertising circular referred to in item 2-d is attached hereto and marked Exhibit C.

2-e. Admit but state that the advertising circular referred to in item 2-e was sent to evening paper members of The Associated Press in 1941. A true and complete copy of such advertising circular is attached hereto and marked Exhibit D.

2-f. Admit and state that the circular referred to in item 2-f was sent to new wirephoto subscribers as advance advertising material in or about the year 1940. A true and complete copy of said circular is attached hereto and marked Exhibit E.

2-g. Admit but state that the advertising circular referred to in item 2-g was issued in 1942. A true and complete copy of said circular is attached hereto and marked Exhibit F.

2-h. Admit and state that the advertising circular referred to in item 2-h was issued in 1942. A true and complete copy of said circular is attached hereto and marked Exhibit F.

2-i. Admit and state that true and complete copies of the advertising material refered to in items 2-a, 2-b, 2-c, [fol. 531] 2-d, 2-e, 2-f, 2-g and 2-h are attached hereto and marked Exhibits A, B, C, D, E, and F respectively.

3-a. Admit.

3-b. Admit and state that the map referred to in item 3-b was issued approximately in the year 1937, and was sent chiefly to new members of The Associated Press in the latter part of 1937 and throughout the year 1938, for advertising purposes.

3-c. Admit.

4-a. Admit except that the following applications were rejected or denied by the Board of Directors of The Associated Press in the year indicated:

New Bedford (Mass.) Times	1903
Norfolk (Va.) Dispatch	1905
Hutchinson (Kan.) Times	1907
Freeport (Ill.) Bulletin	1907
Hattiesburg (Miss.) News	1907

and said defendants state that of the newspapers listed in Exhibit 4a, the following either previously had resigned from AP membership or they, or their successors, later became members of The Associated Press:

New Bedford (Mass.) Times
Norfolk (Va.) Dispatch
Lead (S. D.) Register
Missoula (Mont.) Herald
Meridian (Miss.) Dispatch
Hattiesburg (Miss.) News
Chillicothe (Mo.) Tribune
Prescott (Ariz.) Courier
Lake Charles (La.) Press
White Plains (N. Y.) Morning Reporter
Jersey City (N. J.) Jersey Journal

[fol. 532] 4-b. Admit with the exceptions noted in the response to item 4-a.

4-c. Admit and state that of said applicants, at least eleven thereof either previously had resigned from AP membership or they, or their successors, later became members of The Associated Press and that as of April 30, 1943, at least seven of such applicants, or their successors, still were members of The Associated Press.

4-d. Admit except with respect to the applications of the Pocatello (Idaho) News; Roswell (N. M.) Evening News; and Wichita Falls (Texas) Morning News. The application of the Pocatello (Idaho) News was denied on October 2, 1919. Consideration of a renewed application was deferred on December 11, 1919; and the application was granted in 1920. Defendants further state that of the newspapers listed in Exhibit 4-b the following either previously had resigned from AP membership or they, or their successors, later became members of The Associated Press:

Waco (Tex.) Tribune
Portland (Oregon) Journal
Ithaca (N. Y.) Cornell Daily Sun
Roswell (N. M.) Evening News
Marion (Ohio) Star
Hot Springs (Ark.) New Era
Idaho Falls (Idaho) Register
Lakeland (Fla.) Star
Tonopah (Nev.) Times
Pittsburg (Kan.) Sun
Fall River (Mass.) Independent
Newark (N. J.) Morning Ledger
New Bern (N. C.) New Bernian
Enid (Okla.) Morning News
Staunton (Va.) Daily News
Port Angeles (Wash.) Evening News
Casper (Wyo.) Daily Tribune
Moberly (Mo.) Daily Index
[fol. 533] Port Arthur (Texas) News
Wichita Falls (Texas) Morning News
Sheridan (Wyo.) Post
Palatka (Fla.) News & Advertiser
Concord (N. H.) Patriot

Pauhuska (Okla.) Osage Journal
Winchester (Ky.) Sun *
Nampa (Idaho) Free Press
Paris (Texas) Advocate

* Reapplied in same year and elected.

4-e. Admit with the exceptions noted in the response to item 4-d.

4-f. Admit and state that of said applicants at least twenty-eight thereof either previously had resigned from AP membership or they, or their successors, later became members of The Associated Press. At least nineteen of such applicants, or their successors, still were members of The Associated Press as of April 30, 1943.

4-g. Admit with the exception of the Columbus (Miss.) Discoverer, and state that of the newspapers listed in Exhibit 4-e, the following either previously had resigned from AP membership or they, or their successors, later became members of The Associated Press:

Elgin (Ill.) Daily Courier
Greensburg (Pa.) Review *
Hagerstown (Md.) Daily Mail
Elgin (Ill.) News
Merced (Cal.) Star
Nogales (Ariz.) Times
Winona (Minn.) Leader *
Ft. Myers (Fla.) Tropical News
Monterey (Cal.) Peninsula Daily Herald
Bluefield (W. Va.) News
Lakeland (Fla.) Star Telegram
Abbeville (S. C.) Medium
New Bedford (Mass.) Times—
[fol. 534] Hattiesburg (Miss.) Morning Herald
Mooresville (N. C.) Sentinel *
Norwalk (Conn.) Hour
Lawrence (Mass.) Eagle *
Lawrence (Mass.) Tribune *
Tallahassee (Fla.) State News
Corpus Christi (Tex.) Times
Lima (Ohio) Republican-Gazette
Poplar Bluff (Mo.) Interlake American

Tallahassee (Fla.) Morning State
Plattsburg (N. Y.) Republican
Palestine (Tex.) Press
White Plains (N. Y.) Reporter
Gallup (N. M.) Times *
Waynesboro (Va.) News-Virginian
Sisterville (W. Va.) Daily Review
Wenatchee (Wash.) Morning Sun

* Reapplied in same year and elected.

4-h. Admit with the exceptions noted in the response to item 4-g.

4-i. Admit and state that of said applicants, at least thirty thereof, either previously had resigned from AP membership or they, or their successors, later became members of The Associated Press. At least eighteen of such applicants or their successors still were members of The Associated Press as of April 30, 1943.

5-a. Admit.

5-b. Admit except that the signatures have been omitted.

5-c. Admit.

5-d. Deny and state that the contract referred to in item 5-d remained in effect until superseded by the contract referred to in item 5-e.

[fol. 535] 5-e. Admit except that the signatures have been omitted.

6-a. Admit except that the signatures have been omitted. A typographical error appears in the paragraph entitled "Definitions". The words "affiliate or either" in said paragraph should read "affiliate of either".

6-b. Admit.

6-c. Admit.

Duly sworn to by Robert McLean. Jurat omitted in printing.

[fol. 536] EXHIBIT A

THE ASSOCIATED PRESS

GENERAL OFFICE
50 ROCKEFELLER PLAZA
NEW YORK, N. Y.

April 8, 1941.

To Members of the Associated Press:

This letter and the pages which follow are in the nature of a report of progress. More and more we hear it said that newspaper readers not only demand prompt and accurate reporting of news events, but are eager also for interpretative and explanatory material to show how and why these events came about. To meet this need, your Association now is providing side by side two separate news services, the one devoted to spot developments, the other to the background.

In recent years many forward steps have been taken in the Associated Press spot news report, without special announcement to the members. The wire system has been streamlined to insure quicker delivery, the staff has developed a speed of operation unequaled anywhere, and writing has improved immeasurably. We all have grown accustomed to take superiority in this field for granted, but if anyone doubts the improvement he has but to turn back the pages, make comparisons, and see for himself.

Development of the sister effort to provide interpretative material through the Special News Service has now passed far beyond the stage of experiment. Already this second service is recognized widely as the best in its field. It will continue to improve, with your help.

Some members have asked why this background service carries no A.P. credit. One reason is the desire to give the writers latitude of expression which, I regret to say, many members do not like to see in published dispatches credited to the A.P. The omission of the credit is partially in deference to that feeling. It is better that those who want this background material receive it without A.P. credit than not to receive it at all. If allowed to continue and improve it will ultimately take a fixed place in modern newspaper making as have many other developments which the present management has fostered.

Then, too, this is to be made a highly personalized service, belonging to the members themselves in the largest sense. We call it the S.N.S. for identification among ourselves and on the wires, but I suggest that any member who wants to take full advantage of the promotional possibilities either insert its own name in the credit line, such as "The (name your paper) Special News Service," or use the writers' by-lines without further credit at all, thus building up these writers as its own. If you will do that, the service will eventually come to be as much of an asset to your property as, for example, the news picture service. The users thus will be the full beneficiaries.

I am happy to tell you that the Board has decided no special assessment will be imposed for the Special News Service. This means that you are receiving and will continue to receive two news services, meeting expertly the two prime news needs of present-day newspapers, for a single assessment.

Sincerely yours,
KC.

Kent Cooper.

[fol. 537]

MEETING THE CHALLENGE OF TODAY WITH A COMPLETE NEWS REPORT

The AP News Service

FOREIGN: When you read on March 1 that German troops drove into Sofia in grey armored cars wearing regulation battle dress, it's a safe bet that you were looking at an AP dispatch because AP came through from one to three hours ahead of others.

Sixty-six American overseas staff men, aided by scores of stringers, have been turning up beats like that regularly in the eighteen months of the War.

Here are just a few: Torpedoing of the SS Athenia; assassination of Premier Calinescu of Rumania; sinking of the battleship Royal Oak; the Graf Spee battle; Hitler's visit to Paris; the bombing of Croydon; the evacuation of Namsos; Russian invasion of Finland; Japanese adherence to the axis; arrival of Australians at Singapore.

DOMESTIC: Have you noticed recently how many *new* domestic stories are appearing in both the AP day and night reports?

They're there because AP men have gone out to get them—particularly the *lighter* and *brighter* happenings in this war-torn world.

Where are they coming from? All over—from Fargo as well as Washington; from Baton Rouge as well as New York. AP men have gone straight to the soil and are turning over a brand new crop of home news.

Their reports are readable because they have no writing "rules" except to be accurate, unbiased, decent, truthful and interesting.

There is speed, too. Elimination of relays has brought hundreds of newspapers into direct contact with Washington and other big news centers—on a single news wire carrying the cream of the general report.

THE SPORTS REPORT: Twenty-three full time sports specialists produce most of it. Scores of news staff men aid them. It runs, on trunk wires, according to the season, from 20,000 to 50,000 words around the clock.

Baseball accounts for the heaviest run, but almost any sport you can name gets on the wires, including football, boxing, racing, basketball, golf, tennis, track and field, hockey, polo, rowing, swimming, wrestling, yachting, winter sports, and yes, even badminton. More than a hundred papers are on special football wires; almost as many take a racing service.

Naturally, that means a lot of statistics, but that sports staff is turning out grand reading matter, too.

THE MARKET REPORT: It's supreme in its field—this AP market and financial service—a recognized authority wherever papers are published. There is nothing comparable to it in speed, accuracy, quality or quantity.

Eighty percent of American papers using complete market tables print AP security prices. Two hundred trained employees prepare them, and 34,000 miles of leased wire carry 95,000 stock and bond quotations daily—the biggest and fastest statistical job in newspaperdom.

Accompanying the statistics goes expertly written business and economic news by financial experts.

[fol. 538] **The Special News Service**

THE JOB: These turbulent days of war, with revolutionary social, political, and economic events crowding rapidly upon each other, have confronted member newspapers with their greatest, most difficult responsibility.

The chief reason why the Special News Service has come into being is to assist you in meeting this responsibility.

Not only must the spot news be told accurately and quickly, but the *significance* must be explained to millions of readers.

HOW IT IS DONE: While The Associated Press reporters are covering the hot spot news, telling all they can in the rush of the moment, The Special News Service experts are on the job seeking and telling the *meaning* of what is happening—what the developments mean not only to the everyday lives of people, but what they portend. This interpretation, with all the many angles and personalities involved, to give the reader a clear, vivid, complete picture, is further supported by Associated Press and Special News Service reporters who covered the events with rapid follow-up Special News Service articles. Teamwork!

TO MENTION A FEW: The outstanding stories on life in the war-involved countries; notably Milo Thompson on England; Roy Porter and Lynn Heinzerling, France; Robert St. John, Rumania; Charles S. Foltz, Jr., Switzerland; Louis P. Lochner, Edwin Shanke and others, Germany, Hungary, Poland and Holland; J. D. White, China; Max Hill and Russell Brines, Japan; Relman Morin, the Dutch East Indies; Henry Cassidy, Russia. The widely published war analyses by DeWitt Mackenzie and Kirke Simpson.

John Lear's stories from Latin America.

The numerous personality-profiles on leading figures in the news, domestic and foreign.

Devon Francis on "The Truth about American Aviation" and air defense here and in Latin America, W. B. Ragsdale's "Labor and Industry Under the Defense Program", and Frank I. Weller, Clarke Beach and others in Washington on current events, Hubbard Keavy and Ted Gill, Hollywood, Vesta Kelling's, Ruth Cowan's and Mary Elizabeth Plummer's women's features, Eddie Brietz and Whitney Martin, spots, David J. Wilkie, automobiles, Claude Jagger, Frank MacMillen, Charles E. Harner, Frederick Gard-

ner, John L. Beckley and Paul D| Gerner, financial developments, Howard W. Blakeslee and Stephen McDonough, science; Mark Barron, the theater; Gladwin Hill, Don Whitehead and others on numerous general assignments.

BALANCING YOUR PAPER: With war news predominating, there is the problem of not overlooking other phases of life throughout the world.

That is why you find such a wide variety of subjects—the humorous, the entertaining, the serious—covered in the SNS report.

The emphasis is on quality and reader appeal.

That is why you find so many page one, full inside pages and other prominent displays (with pictures for News Photo subscribers) of Special News Service stories. Frequently, these are advertised in advance.

The Special News Service and The Associated Press run, side by side, on the wires throughout the week for Evening, Morning and Sunday members dovetailed to give you a complete news report.

[fol. 539] The A.P. report is far out in front of all others; and it's continuing to improve.

—George W. Healy, Jr., New Orleans Times-Picayune

I would like to congratulate you for the excellent job of coverage we are getting. I think it is swell.

—V. E. Fairbanks, Duluth Herald and News-Tribune

The effective filing has practically driven the opposition from Page 1 of the Louisville Times. Reason: We get the finished story from A. P. first.

—A. Y. Aronson, Louisville Times

We feel that your Special News Service is in many respects one of the most important and valuable developments ever brought about by The Associated Press • • • You are demonstrating something more than the freedom of the press to conduct itself as it wishes. You are showing how the press can perform something more than routine service, namely, a great duty to a great people.

—W. R. Ronald, Mitchell (S. D.), Daily Republic

I have started Editorial Magazines in the Akron Beacon Journal, the Miami Herald and the Detroit Free Press.

And the whole backbone of these sections has been the SNS.

—B. E. Maidenburg, The Detroit Free Press

My compliments for what SNS has done thus far.

—George Olds, Springfield Newspapers, Inc.

This letter is to express the appreciation of The Delta Democrat-Times for your thoroughness in regional coverage. This attention to detail, unrivaled by any other news-gathering agency in the world, makes us proud to be members of The Associated Press.

—Don Wetherbee, Greenville (Miss.). Delta Democrat-Times

It seems to me that the work being done by The Special News Service will have a tendency to carry American Newspapers into a new frontier—and to their very great advantage • • • You are doing, I think, something far more important than is generally realized.

—Neil H. Swanson, Baltimore Evening Sun

We think The Special News Service is the most striking and usable enrichment of Associated Press material in many years. Not only is the material itself well handled interpretative writing, but its early arrival fits admirably into production schedules.

—Edward Lindsay, Decatur (Ill.). Newspapers, Inc.

I am extremely pleased with the news report. That bugaboo of all editors, overwriting, has been rather thoroughly licked.

—Kenneth D. Tooill, Ohio State Journal

Mirror editors believe the general A.P. news report has greatly improved, that its style is much sprightlier.

—Hinson Stiles, New York Mirror

The service is better than ever.

—L. R. Blanchard, Rochester (N. Y.). Times-Union

The immeasurable strides you have made in the last few years have far exceeded what I thought could be done.

—Harold Hartley, Toledo Times

[fol. 540] EXHIBIT B

AP-WW No. 1

(Editors: This is the first of two stories for use in promoting your Wide World service.)

AP

The (NAME OF YOUR PAPER) now has two great news services—Wide World, as well as The Associated Press.

Every reader of this newspaper is familiar with the reliability of The Associated Press, the world's greatest news-gathering organization. Now, every reader also benefits from the added coverage of AP's correlated service, Wide World.

Through The Associated Press and Wide World, the (NAME OF YOUR PAPER) receives not only the latest and most comprehensive coverage of the world's spot news events, but also the behind-the-scene stories which report new trends, weigh the significance of current happenings and record the human side of a world at war.

Kent Cooper, general manager of The Associated Press, dreamed many years ago of a separate news, feature and photo service for AP members that would provide new approaches to the world's affairs. His idea was that the new service would augment, but never duplicate, the spot news stories daily provided by The Associated Press. The AP and the new service would give member newspapers everything outside of local requirements.

His dream was gradually realized. He first set up a special service for Sunday issues of leased wire members, dealing in behind-the-news features. This service was expanded two years ago to supply similar material to morning and evening dailies and was called the Special News Service.

In August, 1941, The Associated Press bought the long-established Wide World Photos from the New York Times. In December, 1941, the Special News Service took the name of Wide World and became associated with Wide World Photos. In February, 1942, The AP Feature Service took the name of Wide World Features.

[fol. 541] In explaining the functions of Wide World, Cooper said, "In these turbulent days of war, with revolutionary social, political and economic events crowding rap-

idly upon each other, newspapers are confronted with a greater and a more difficult responsibility.

"This is why Wide World has been steadily expanded. Not only must spot news be covered accurately and quickly by The Associated Press, but the significance must be explained to millions of readers.

"This latter is the field of Wide World."

1942

"The only world-wide, non-profit, cooperative news gathering association"

(Here follow 2 photolithographs, side folios 542, 542a)

NOTE: MATS OF THIS PROMOTIONAL AD SUPPLIED ON REQUEST.

EDITORS:

WIDE WORLD FEATURES

NOW REPLACES AP FEATURE SERVICE . . . . WITH THESE IMPROVEMENTS

Accompanying this page are your first "WIDE WORLD FEATURES."

They become "WIDE WORLD" in place of "AP FEATURES" as another step in the development for members of The Associated Press of a complete, correlated news, photo and feature service separate from the spot news and photo services of The Associated Press.

Wide World Features, we estimate you to offer two great, distinctive services to your readers where you formerly had one. And Wide World offers you a GREATER feature service.

During its 15-year history, AP Feature Service was quick to respond to every member need. Similarly, Wide World Features is speeding its program, is glad to present a series of improvements to help make Wide World worth more to your newspaper.

TWO GREAT SERVICES IN THIS PAPER

Mats Of This Ear On Request

With the change, WIDE WORLD FEATURES increases:

1—A completely new convenient format to expedite editing. More news pages, faster service.

2—More "eye relief" features—in pictures and story—to "keep 'em laughing."

3—More big news features, outstanding pieces to meet increasing magazine competition. But tightly edited for tighter papers.

4—Intensified sports program. Called by the President a "must" in wartime. More distinctive art.

5—More emphasis on women's features, more important since the war than they ever have been.

Exhibit C

----------NOTE ANNOUNCEMENT STORY AND PROMOTIONAL ADS BELOW FOR YOUR USE. MATS SUPPLIED ON REQUEST WITHOUT CHARGE----------

ADDRESS MEMBERSHIP DEPARTMENT, THE ASSOCIATED PRESS, 50 ROCKEFELLER PLAZA, NEW YORK

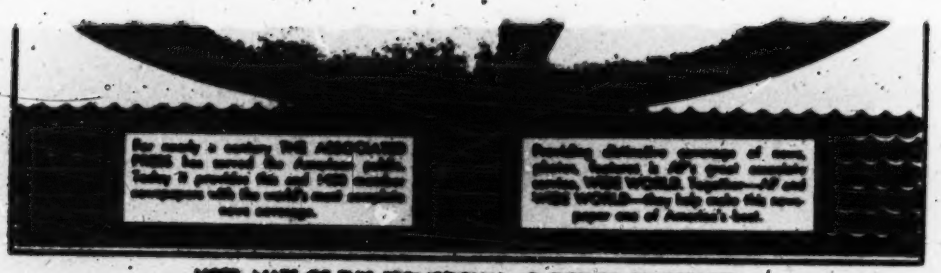
A [illegible] news appears once [illegible] in [illegible] paper's [illegible] today — "WIDE WORLD FEATURES."

It replaces "AP FEATURE SERVICE" with which you have learned to combine so many outstanding comic, sports and women's page features.

But these features are with us, in fact, you'll see even more of them as many pages of this newspaper.

"Wide World" is a great addition to the [illegible] of The Associated Press and in replacing the name "AP Feature Service" it gives [illegible] a more distinctive name to identify [illegible] of separate daily news services.

[illegible] papers now offer [illegible] [illegible] [illegible]



NOTE: MATS OF THIS PROMOTIONAL AD SUPPLIED ON REQUEST.

EDITORS:

WIDE WORLD FEATURES

NOW REPLACES AP FEATURE SERVICE . . . . . WITH THESE IMPROVEMENTS

Accompanying this page are your first "WIDE WORLD FEATURES."

They become "WIDE WORLD" in place of "AP FEATURES" as another step in the development for members of The Associated Press of a complete, co-ordinated news, photo and feature service separate from the spot news and photo services of The Associated Press.

Wide World Features... are ready to offer two great, distinctive services to your readers where you formerly had one. And Wide World offers you a GREATER feature service.

During its 15-year history, AP Feature Service was quick to respond to every member need. Similarly, Wide World Features is speeding its programs, is glad to present a series of improvements to help make Wide World yours more to your newspaper.

TWO GREAT SERVICES IN THIS PAPER

Mats Of This Ad On Request

With the change, WIDE WORLD FEATURES announces:

1—A completely new contrasting format to expedite editing. More news pages, faster service.

2—More "eye relief" features—in pictures and story—to "keep 'em laughing."

3—More big news features, outstanding pieces to meet increasing magazine competition. But tightly edited for tighter papers.

4—Intensified sports program. Called by the President a "must" in wartime. More distinctive art.

5—More emphasis on women's features, more important since the war than they ever have been.

Exhibit a

----------NOTE: ANNOUNCEMENT STORY AND PROMOTIONAL ADS BELOW FOR YOUR USE. MATS SUPPLIED ON REQUEST WITHOUT CHARGE.----------

ADDRESS MEMBERSHIP DEPARTMENT, THE ASSOCIATED PRESS, 50 ROCKEFELLER PLAZA, NEW YORK

A NEW news service and many stories to come appear today — "WIDE WORLD FEATURES."

It replaces "AP FEATURE SERVICE" — with which you have learned to associate so many outstanding news, sports and women's page features.

The same fine features are still with us. In fact, you'll see even more of them in every issue of this newspaper.

"Wide World" is a proud part of The Associated Press and is replacing the name "AP Feature Service" to give newspapers a more distinctive name for their features.

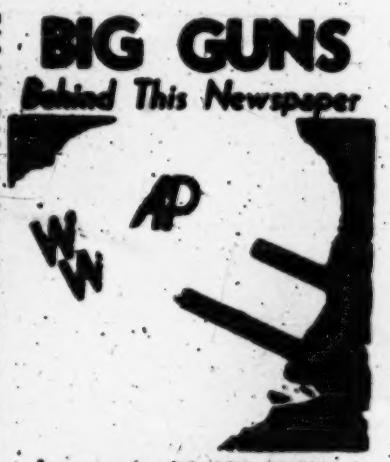
LOOK for them world features by such top Wide World Features' hitters as Jack Stinnett, Robbin Coons, George Tucker, John Selby, daily columnists, Norman Allen, John Groves, Lawrence Hodges, Alexander George in Washington, Dillon Graham and Fred Browning in sports, Ray Peacock on Hollywood, Helen Allen Dowell, Bill Corum's version, Adelaide Kerr, Louise Hansen Wheeler and Margaret Kennedy, Bill Anderson on the Pacific coast, Robert Geiger, also in the West and many more top writers at home and abroad.

With many of these writers you become old friends under AP Feature Service. Now they will continue to write for you under "Wide World" — and many more.

Look for many new features, with Cartoons, color comics, Feature pictures, special supplements that come to you from The Associated Press, called by the President a "must" in wartime.

The World has been at war for four years. We've grown in the meantime.

The publishers of two great services in one newspaper



Two great services—THE ASSOCIATED PRESS and WIDE WORLD—provide this newspaper with the world's most complete coverage of news, picture features. No other publication offers its readers such complete coverage of American readers

542

408

Exhibit D

6

A PROFILE OF THE

AP Feature Service

● The only feature service with full facilities for coverage—pictures, stories, columns, background—in every state and in foreign countries. AP Feature material is obtained from Feature Service staff members and from members of The Associated Press general staff all over the world as well as from free lance writers and artists.

● The only service offering a full budget—comics and cartoons, daily columns, news features and pictures—on a cooperative basis. You have a say—and savings—in AP Features.

● The only service offering weekly a full page matted picture story, a weekly matted news review, a weekly matted background map.

● The only service offering a complete, separate budget for both morning and afternoon newspapers.

● The only complete feature service available in whole or in part.

AMERICA'S BEST PAPERS USE AP FEATURES

[fol. 543] EXHIBIT D

GENERAL BUDGET FEATURES

Note: The basic News Feature budget consists of feature proofs. Mats of illustrations on feature proof pages may be had at a nominal charge.

THE DAILY LINEUP:

Illustrated News Features

Brilliant features from the entire world. Amusing "war-relief" stories, explanatory articles, series, picture stunts, charts, preparedness material for big events and holidays; What It Means; Americana; shorts and columns of fillers. These are provided by a large staff of special writers, editors and artists and by the world-wide staff of The Associated Press and AP Photo Service.

Illustrated Sports Features

Outstanding sports copy from every section of the country and from abroad. Picture stunts, personalities, elaborate background and preparedness material, exclusive big-name byline stories, interpretative columns by Feature Sports Editor Dillon Graham and other AP sports experts throughout the nation.

Illustrated Women's Features

Fashions by leading style writers; Beauty by Betty Clarke; Food and Menus by Mrs. Alexander George; Women—personalities and problems—by Adelaide Kerr; Hints for the Home; Common Courtesy, by Margaret Kernodle; outstanding treatment of the modern woman in picture and story.

"Fine stuff!" Ohio State Journal, Columbus.

"AP greatly excels any other service." Greenville (S. C.) News.

"We've never been prouder of AP." Mason City (Iowa) Globe Gazette.

"The Feature Service has done a wonderful job. All in all it would be difficult to improve it." Sioux Falls (S. D.) Argus-Leader.

"AP Feature stuff is the brightest, best illustrated and most timely. Have seen nothing that even comes close to it for quality, thoroughness and—best of all—intelligent anticipation." Rochester (Minn.) Post Bulletin.

[fol. 544] THE DAILY COLUMN PARADE:

Washington

Daybook by Jack Stinnett. No other capital column is like it. Entertaining, informative picture of Washington including outstanding series on national problems. Stands up in competition with hundreds of wire stories daily.

New York

Manhattan by George Tucker. A lively inside story of the big town. Tall tales about tall buildings, authors and artists, and just anybody.

Hollywood

By Robbin Coons. The movie city inside out. Reports on the big stars and the lowdown on everybody. Trends in pictures.

Books

Literary Guidepost. By John Selby. Expert but easy-reading reviews of the important new books from a critic who is himself the author of two novels.

Food

Menus by Mrs. Alexander George. Everything about food by an outstanding authority on home economics.

Radio

By C. E. Butterfield, one of the original radio columnists. Radio programs for advance release. Text mats available. Proofs sent on request only.

"Service is swell—Keep it up." Augusta (Ga.) Chronicle.

"You don't need to sell Robbin Coons to this paper. We know he's good." Omaha World-Herald.

"John Selby's Book Reviews are outstanding." Daytona Beach News-Journal.

"Tucker is making a hit in this area." Springfield, O., Newspapers, Inc.

"We have had many favorable comments regarding Stinnett's Washington column and style of writing." Hilo (Hawaii) Tribune-Herald.

[fol. 545] Economy Mats

Text mats of Jack Stinnett's Washington Daybook, Robbin Coons' Hollywood column, George Tucker's Manhattan and Menus by Mrs. Alexander George—all matted for a small added charge.

Daily Serial Fiction

Outstanding, strikingly illustrated, big-name serials in 30 and 36 chapters by such writers as Margaret Widdemer, Rita Mohler Hanson, and Medora Field, whose mystery thriller, "Who Killed Aunt Maggie?" released by AP Feature Service, was a nationwide best-seller. Serial proofs sent on request only. Matted text also available.

Market Chart

Monthly rout-out chart showing the position of the stock market. Sent on request only.

Stamps In The News

Weekly roundup of the newest in America's No. 1 hobby.

Charts And Maps

Graphic charts and maps of the news and new trends.

Three Tests

Two-column weekly illustrated quizzes. Screen Test by Robbin Coons; Sportest, and News Test.

Modes Of The Moment

The week's latest fashions. A half-page of striking art. Proofs and mats on request only to feature mat subscribers.

"Reader reaction—all favorable!" Saginaw (Mich.) News on AP Serials.

"AP Maps are the finest we have seen." Toledo Times.

"Modes of the Moment is one of our best daily features for the Woman's Page." Norwich (N. Y.) Sun.

"Congratulations on the fine service of the Feature Department." Indianapolis Star.

AMERICA'S BEST PAPERS USE AP FEATURES

[fol. 546] **SPECIAL MATTED FEATURES**
(Cost prices on request)

Picture Show

Outstanding picture-story page issued weekly. No other page is available like it, none is so readily adaptable to use either as a regular weekly feature or at will.

The World This Week

The country's only matted, full page news review—gaining new successes after four years. Brilliantly written and no mere routine roundup of the week's news. A "must" page for editors who want a complete newspaper.

Weekly Background Map

Another "only feature of the kind." Available usually in five or six columns of varying depths. May be blown up to half page or full page effectively. Spotlights the big news problems of the week. A product of able research and expert draftsmanship.

Daily Cross-Word Puzzle

The country's long-popular puzzle favorite by one of the cleverest cross-word experts in the feature field.

"Picture Show is one of the best features being turned out today. One of the things we like most about it is that almost invariably it exhibits good make-up and good layout without sacrificing picture quality and effects." Washington Star.

"More than satisfied with The World This Week." Sioux City Tribune.

"The Background Maps are unequivocally excellent." Philadelphia Bulletin.

"Looks swell. Sure the addition of Picture Show will benefit us greatly." Erie (Pa.) Dispatch Herald.

AMERICA'S BEST PAPERS USE AP FEATURES

[fol. 547]

COMICS AND CARTOON FEATURES

Note: The Comics and Cartoon Budget consists of six strips, three panels, a daily sports cartoon, daily news cartoon. In addition, "Strictly Private" is available outside the regular budget. You may subscribe to one or more features.

THE COMIC-CARTOON LINEUP:

Panels

News Cartoon. By Hank Barrow. A brilliantly drawn, impartial cartoon record of the times. Particularly suited for editorial page use. Daily in three columns.

Sports Slants. By Tom Paprocki, the country's No. 1 sports cartoonist. Lively pen and ink profiles of the personalities in sports, together with a separate sports column. Panel is daily in two or three columns.

Modest Maidens. By Don Flowers. The streamlined gag panel featuring show girls and shop girls, stars and stooges. It's as fresh as the latest fashion. Daily panel in two columns.

The Doolittles. By Quin Hall. America's typical cartoon family by one of America's cleverest cartoonists. Daily panel in three columns.

Neighborly Neighbors. By Milt Morris. Rib-tickling true-to-life story of Peters Corners. Small-town America at its funniest. Daily in three columns.

A few AP Comic users: Los Angeles Herald and Express, San Francisco Call-Bulletin, San Francisco Examiner, Cleveland Plain Dealer, Washington (D. C.) Star, Chicago Daily News, New Orleans States, New York Post, New York Sun, Philadelphia Evening Ledger, Seattle Times, Christian Science Monitor.

[fol. 548]

Strips

Oaky Doaks. By Ralph Fuller. A modern strip in medieval setting. Oaky is a self-made knight in a homemade

suit of tin armor and he sees some real action. Daily strip in five or six columns.

Scorchy Smith. By Frank Robbins. The ideal, clean, red-blooded outdoor adventure strip. Demanded by editors who want adventure without horror. Daily in five or six columns.

Adventures of Patsy. By Charles Raab. The only juvenile strip using adventure and glamour of Hollywood as a regular setting. Daily in two, five or six columns.

Dickie Dare. By Coulton Waugh. Seagoing adventure strip. Popular with editors because it's ideal action for the average American boy. Daily in two, five or six columns.

Homer Hoopee. By Fred Locher. Homer is the all-American husband, getting into the customary domestic difficulties with friend wife, mother-in-law and unpredictable nephew. Daily in five or six columns.

Oh, Diana! By Don Flowers. Keeping up with Diana Dane is like trailing a streamlined train. It's tops in the girl-gag class. Daily in five or six columns.

* * * * * * *

"Strictly Private"

The army gag panel that scooped the field and still holds it against all corners. Quin Hall's character, "Private Plink," is the country's favorite army hero today. Available to subscribers in two columns.

More papers using AP comics: Atlantic City (N. J) Press Union, Kansas City (Mo.) Star, Dayton (Ohio) News, Emporia (Kans.) Gazette, Grand Rapids (Mich.) Herald, Harrisburg (Pa.) Telegraph, Indianapolis News, Galveston (Texas) Tribune, Oakland (Calif.) Tribune, Wilkes-Barre (Pa.) Record.

AMERICA'S BEST PAPERS USE AP FEATURES

[fol. 549] "Use every inch of AP feature copy * * * We couldn't get along without it. * * *"

So writes the Louisville Courier-Journal, demonstrating the real place AP Feature Service has won for itself since

it was started for 1400 AP member papers 13 years ago.

There are a great many papers that think likewise. This is what a few of them do with AP feature copy:

"We make up a special page each Sunday from AP Features." Montgomery (Ala.) Advertiser.

"Feature Service is very flexible and we find it indispensable." Fredericksburg (Va.) Free Lance-Star.

"We frequently take Feature Service Stories as they come in, put a date on them and use them in the next edition—that's how good we think they are." Indianapolis News.

"The greatest number of features are used in our Women's Pages; they are unusually modern, fresh and well illustrated." San Francisco Chronicle.

"Fine job on the sports sheet. We're using just about everything on it and have received much favorable comment from the readers." Spartanburg (S. C.) Herald and Journal.

"Not long ago we took a readers' survey on the Gallup plan and found that your comics were read by as high an average of readers as any other survey of readers of other comics that has come to our attention." Southern California Associated Newspapers, Los Angeles.

AMERICA'S BEST PAPERS USE AP FEATURES

[fol. 550] EXHIBIT E

AP

Wirephoto Promotion Story

The greatest development in modern newspaper history is coming to (NAME OF CITY).

On (DATE) The (NAME OF PAPER) will become a part of the vast Associated Press WIREPHOTO network and will receive news pictures by wire, along with 120 other progressive American newspapers.

This means:

1. The (NAME OF PAPER'S) news pictures will come by wire, just as news comes and will appear simultaneously with news stories.

2. (NAME OF CITY) will see in The (NAME OF PAPER) every day pictures hot off the far-flung 20,000-mile Associated Press WIREPHOTO network stretching from coast to coast and from Canada to the Gulf of Mexico.

3. That when big news breaks The (NAME OF PAPER) will receive pictures direct from any of 50 or more Associated Press sending stations located strategically across the nation.

4. That time and distance, twin obstacles to the task of presenting pictures with the news, will be eliminated because of WIREPHOTO'S speed. It takes only eight minutes to transmit a WIREPHOTO regardless of the distance.

5. That readers of (NAME OF PAPER) will benefit from the greatest discovery from the standpoint of rapid news transmission since the introduction of the Morse telegraph and photography nearly 100 years ago. WIREPHOTO marks as revolutionary a step forward in the field of news pictures as did the invention of the Linotype in the mechanical production of newspapers.

News stories long have been sent by wire, but only since 1935 have newspapers been able to place regularly side by [fol. 551] side with these stories pictures of the events as they occurred. Before the advent of WIREPHOTO, pictures as a medium of news were at a great disadvantage in speed. For news is perishable—new today and old tomorrow.

Before the long awaited New Year's day in 1935 when the first AP WIREPHOTOS were transmitted there were long years of research, experiments and struggles to develop and refine the former barely workable machines to make the transmission system used in WIREPHOTO, but the result was virtually perfection itself, so much so that photographs thus transmitted appear as exact reproductions of the originals.

The key to this amazing performance of presenting pictures with the news is a photo-electric cell. It is the heart of the equipment in dozens of cities where WIREPHOTO operates daily. With the photo-electric cell in the WIREPHOTO machine are amplifiers, lights and condenser lens to change the electrical impulses back into light at the receiving end often thousands of miles away.

This is the way WIREPHOTO'S sensitive apparatus works:

In simplest terms, the photo-electric eye "looks" at the picture on the sending apparatus and transmits what it "sees" in light and dark portions of the photograph into electrical impulses. These travel over the wires and are re-transmitted into light impulses at the receiving end to expose a film into shades of light and dark negatively identical with the original print. When this negative is developed and printed, the transmission is complete.

The photograph to be sent is clamped around a horizontal cylinder on the sending machine. Attendants along the line of WIREPHOTO machines make 20 second tests to make sure the proper amount of electrical current is [fol. 552] being supplied. Then the WIREPHOTO attendant at the sending point presses a button starting the cylinder of his machine in addition to those at the receiving stations. The cylinders on the one sending and the many receiving machines revolve in synchronism throughout the transmission.

As the cylinder on the sending machine rotates, the scanning equipment containing the photo-electric eye moves on a carriage horizontally alongside the photograph. A beam of light is thrown on the picture through a tiny aperture one-hundredth of an inch square while the cylinder revolves. This beam of light reflects off the photographic print into the photo-electric eye where the light rays (strong or weak as the light or dark portions of the picture rotate past) are transformed into electrical impulses.

These electrical impulses are "built up" by means of amplifiers to travel the hundreds or thousands of miles that may be necessary to reach the receiving point. Here they are reduced to their original strength for feeding into the receiving machine.

On the receiving machine is a sealed light-proof cylinder of somewhat the same type as is on the sending machine and mounted on a similar rotating lathe-like carriage. Inside this light-proof cylinder is an unexposed film. The electrical impulses from the distant sending machine enter the receiver and pass on to an electric bulb which thereupon is lighted to a degree of brightness varying in proportion to the strength of the current received. The strength of this impulse, in turn, depends upon the shades

of light and dark found on the original print at the sending end.

[fol. 553] The light from this bulb is focused through a "condenser" lens to less than pinpoint size so it strikes the negative as it revolves on the receiving cylinder in perfect synchronism with the picture revolving on the sending cylinder at the other end of the wire.

The negative or film thus is exposed in exact proportion to the amount of light reflected from the original picture on the sending cylinder. The negative is taken to a darkroom a few steps from the machine where it is removed from the cylinder, developed and a print made. The finished picture is exactly like the one at the sending station, hundreds or thousands of miles away.

And the time required to transmit these impulses is ONLY EIGHT MINUTES.

The huge network of wires, set aside for use by The Associated Press WIREPHOTO alone, operates 18 hours daily, constantly ready for any news break and ready to transmit news pictures to the (NAME OF PAPER).

The identification or "caption" explaining the material contained in the picture is typed by an editor at the sending station on a strip of gummed paper and pasted to one end of the photographic print. The typewritten material in this caption is transmitted along with the picture in the same manner as the picture itself and at the same time.

Not more than 45 minutes time is consumed between the time a photographer steps into his darkroom at a sending station until a picture is in an editor's hands many miles away. This includes the time required for the news photographer coming in from his assignment to develop his film and print the picture, for the WIREPHOTO attend-

[fol. 554] ants at the sending point to transmit it and for other attendants at the receiving end to develop and print from the negative exposed by the clever combination of light and electricity that goes to make up WIREPHOTO.

All receiving stations on the network—serving 120 newspapers—can receive the same picture at the same time from the one print at the sending station. And there are about 50 sending stations available to transmit pictures, a number of portable sending machines, also, being provided at strategic points, whence they can be rushed to any location.

Each station on the network is in direct connection with any or all the others by the same wire that carries the pictures and staff men can talk with one another about pictures planned to accompany the news, like this:

"New York," says an editor, "this is San Francisco. How soon do you expect to have those English pictures ready to move?"

"In about four minutes," replies the New York editor, continuing, "Did you hear that, Chicago? You were asking a moment ago."

"Yes, thanks," says the Chicago editor.

(NAME OF CITY) is in close touch with the main network station at (INSERT NAME OF YOUR TRANSMITTING STATION) by telephone. After a quick call The (NAME OF PAPER) receiver can be connected and in eight minutes a picture will be in The (NAME OF PAPER) office to go with the news story that has come by another wire.

"The only world-wide, non-profit, cooperative news gathering association"

(Here folow 4 photolithographs, side folios 555—558-559)

Exhibit F

FINEST PICTURES FIRST

This is AP photographer Jack Rice in action "somewhere in the Pacific." He is one of many cameramen covering the world's fighting fronts and the home fronts for this and hundreds of other Associated Press newspapers. These pictures — on the war, sports, personalities, general news—are flashed to this newspaper in record time daily. They are known as Telemats — the world's fastest matted news pictures. See them daily in this newspaper.

the story of AP Telemats—1

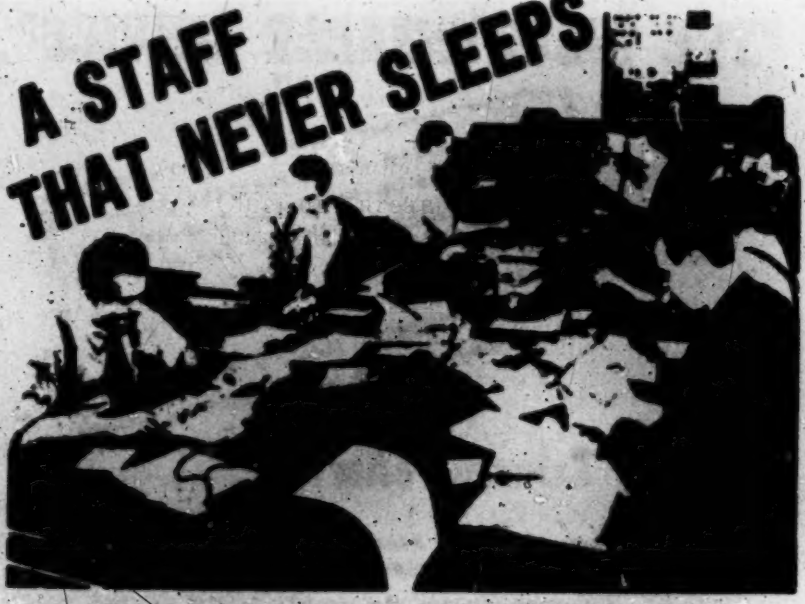
Exhibit P

8 minutes by the miracle machine

Here is the miracle machine that brings this and hundreds of other Associated Press newspapers today's pictures with today's news stories. It's a Wirephoto transmitter. It flashes pictures across the continent with incredible speed—eight minutes for a single transmission. Engraved, matted for printing at the nearest of several strategic regional points, these pictures are then rushed to this newspaper where you see them daily. No other photo news service is as fast as AP Telemats.

Exhibit F

A STAFF THAT NEVER SLEEPS

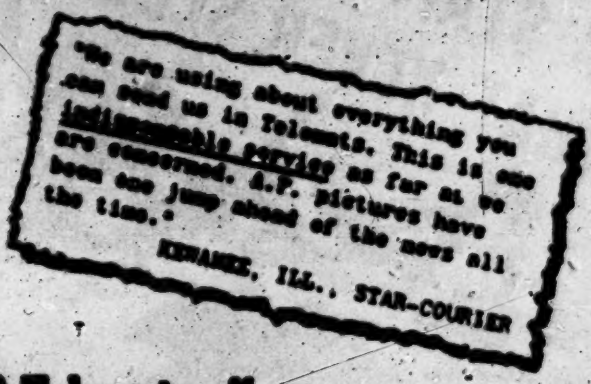


This is the newsphoto desk in the world's largest news room, The Associated Press office in New York. Over this desk pass thousands of pictures—news pictures that appear in this and hundreds more Associated Press newspapers every hour of the day and night. Here is the heart of the 20,000-mile Wirephoto system with picture sending machines in 45 cities and with emergency facilities for picture transmission from other points. Pictures flashed over this system are relayed to this newspaper for use with today's news. It is the world's greatest picture service. Watch for these photos daily—AP Telemats—with your wire stories.

the story of AP Telemats—3

Exhibit F

"THE INDISPENSABLE SERVICE"



What AP Telemats offer -

More than 600 Associated Press newspapers now receive AP Telemats because . . .

Telemats provide the world's fastest matted news pictures.

Telemats provide the only mat service which benefits from the AP Wirephoto system.

Telemats provide you with more than 40 spot news mats weekly, dispatched from the closest of six regional matting points—Chicago, Atlanta, Kansas City, San Francisco, Dallas and New York. Telemats may be sent also from other emergency matting points.

Telemats send you—in addition—two full pages of sunday and feature pictures weekly—"Picture News" pages.

Telemats provide variety, high reproduction quality and savings!

TELEMATS MEAN FINEST PICTURES FIRST

THE ASSOCIATED PRESS

50 Rockefeller Plaza, New York

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